

MINUTES

**MONTANA SENATE
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON FISH & GAME

Call to Order: By **CHAIRMAN KEN MESAROS**, on March 9, 1995, at
3:00 p.m.

ROLL CALL

Members Present:

Sen. Kenneth "Ken" Mesaros, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Bruce D. Crippen (R)
Sen. William S. Crismore (R)
Sen. John R. Hertel (R)
Sen. Ken Miller (R)
Sen. Mike Sprague (R)
Sen. Gary Forrester (D)
Sen. Judy H. Jacobson (D)
Sen. Terry Klampe (D)

Members Excused: None

Members Absent: Senator Pipinich

Staff Present: Andrea Merrill, Legislative Council
Serena Andrew, Committee Secretary

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

Committee Business Summary:

Hearing: HB 195 and HB 196
Executive Action: None

{Tape: 1; Side: A}

HEARING ON HB 195

Opening Statement by Sponsor:

REPRESENTATIVE EMILY SWANSON, HD #30, BOZEMAN, told the committee HB 195 was the product of 18 months of work by the Private Land/Public Wildlife Advisory Council (PL/PWAC) and several members of the council would help explain the bill. The council was established by the last legislative session. She presented three documents explaining the bill (**EXHIBITS 1, 1A & 1B**).

Purpose of the bill was to improve access for sportsmen, provide tangible benefits to landowners who provide public access, and help outfitters become better accepted by the public. The bill was endorsed by the Governor.

REPRESENTATIVE SWANSON showed a video for background.

REPRESENTATIVE SWANSON stated that under the bill a landowner could earn up to \$8,000 to help with maintenance of his property. There would also be incentives to join the Block Management Program. The nonresident combination big game license would be put into a block on a market basis and resultant funding would go to the landowner incentive program.

INTRODUCTION OF RUSSIAN LEGISLATORS

CHAIRMAN MESAROS introduced members of the Russian Legislature, representing states east of Moscow, who were visiting the United States.

REPRESENTATIVE CHASE HIBBARD, HD #54, HELENA, said he sponsored HJR 24 (the predecessor of this bill) in the last legislative session. He hadn't wanted just another study, and thought all three interest groups were satisfied with HB 195. He heartily supported both HB 195 and 196 and asked that the committee be extremely carefully about amendments, because these bills represented a very delicate balance.

REPRESENTATIVE SWANSON said the outfitter sponsored portion of the big game combination licenses would be put on a variable priced marketing schedule. If a client were willing to pay the price, he would get a license to hunt. Also, a temporary moratorium would be placed on the net number of licensed outfitters to allow the industry to stabilize.

NINA BAUCUS, Chairman, PL/PWAC, requested the committee's support of HB 195, saying it was the result of a lot of hard work and the solution came from the people (**EXHIBIT 2**).

STEVE CHRISTENSEN, PL/PWAC Member from the Bitterroot, said HB 195 was a workable bill. The program would be voluntary; a landowner could lease land or charge fees. The second draft of the bill recommended that funding for landowner payments come from the variably priced nonresident combination license plus an increase of up to \$1 in resident fees. People said legislators had agreed not to raise any fees in this session and the \$1 increase in resident fees was not put in the bill. In the future, Montana sportsmen would probably have to fund this program.

KELLY FLYNN, PL/PWAC member from Townsend, said he was an outfitter, landowner and sportsman as well as a member of the council. He stood in strong support of HB 195 (**EXHIBIT #3**).

VERLE RADEMACHER, PL/PWAC member from White Sulphur Springs, commented that he came from the finest elk hunting district in the United States; unfortunately, that resource caused problems because large blocks of land were leased to outfitters with no public access (EXHIBIT #4).

Proponents' Testimony:

GLENN MARX, Policy Director for the Governor, told the committee the Governor supported this bill and felt the council had successfully completed a virtually impossible job (EXHIBIT #5).

{Tape: 1; Side: B}

JEAN JOHNSON, Executive Director, Montana Outfitters & Guides Association (MOGA), supported the bill as beneficial to all interested parties (EXHIBIT #6).

PAT GRAHAM, Director, Montana Department of Fish, Wildlife & Parks (DFWP) supported the bill as a compromise among all interested parties (EXHIBIT #7).

JIM RICHARD, Montana Wildlife Federation, supported the bill because the wildlife resource belongs to the people (EXHIBIT #8).

JOHN BLOOMQUIST, Montana Stockgrowers Association, remarked that his organization appreciated the efforts of the committee and supported the bill. They viewed HB 195 as establishing another option for landowners. The bill allows voluntary participation, monetary rewards and a liability shield. If the program remains a partnership among landowners, outfitters and sportsmen, resident sportsmen may be called upon to furnish a contribution - this could be a redistribution of existing fees or a fee increase as shown in a proposed amendment (EXHIBIT #9).

MAYNARD SMITH, Glen, commented that he had been involved in three block management programs for about 10 years and found them to be a great advantage. He supported the bill (EXHIBIT #10).

JACK RICH told the committee he was an outfitter and strongly supported HB 195, but was somewhat concerned about the moratorium where outfitters own more than one business.

GARY DUFFY, Gardiner, supported the bill but expressed concern because he has only one license and owns outfitting businesses in Gardiner and in the Bob Marshall Wilderness (EXHIBIT #11).

TOM YOUNGGREN, Dillon, supported the bill because he felt it represented a method of compensating landowners for losses resulting from increased wildlife numbers (EXHIBIT #12).

LANCE MELTON, Attorney for Board of Outfitters, Montana Department of Commerce, endorsed HB 195 and urged the committee

to concur. He said both 195 and 196 were crucial to the balance struck among sportsmen, landowners and outfitters (EXHIBIT #13).

TOM HAGEN, Melstone, supported the bill with the amendment provided by the Stockgrowers. He thought it essential that resident sportsmen help fund the program.

DEAN SANGREY, Idaho Outfitters Licensing Board, supported the legislation as he felt it was a good direction for the state to consider.

Opponents' Testimony:

PAT FREEMAN said he was speaking for his father and father-in-law, private property owners. He noted that this bill spoke about public access, not public recreation. He would like to see the bill fine-tuned and didn't like to see recreational access included.

Mr. Freeman commented that the bill stated a landowner/outfitter could submit no more than 10 hunting applications. He thought that provision inappropriate and arbitrary as it doesn't consider habitat or the number of acres owned. He suggested a license distribution system based on game populations.

MICHELE CARROCCIA, Sweet Grass Preservation Association, said her organization appreciated the efforts of the council but asked that the limit on landowner sponsored licenses be removed (EXHIBIT #14).

TACK VAN CLEVE, Big Timber, thought HB 195 was basically an excellent bill even if he had signed as an opponent. He urged deleting Section 10, Subsection 3 on page 11, and clarifying the fact that "public access" means "public hunting access" (EXHIBIT #15).

RON BENNETT, Great Falls, thought HB 195 was a landowners' welfare bill for the benefit of a few (EXHIBIT #16).

GARY STURM, Helena, opposed the bill because he thought the majority of sportsmen and landowners have a good relationship already (EXHIBIT #17).

STEVE HINEBAUCH, Glendive, opposed the bill. He has ranched in four different spots in Montana and has instituted some fee hunting because he was unable to make a living. He also opposed the bill because it would give DFWP more authority.

LARRY HAMMOND also opposed the bill. His ranch has always been open to both resident and nonresident hunters. He thought the limit of 10 on a ranch of 48,000 acres was unreasonable; equitable distribution should be based on acres of habitat and the number of deer on that habitat. He also suggested landowner

sponsors be grandfathered in as licensed outfitters before the moratorium goes into effect.

DEAN HARMON, Bainville, also opposed the bill because the limit of 10 would drive him out of business (**EXHIBIT #18**).

IRA ANDREWS, Biddle, opposed the bill because he thought it took money from one group and gave it to another, as well as expanding the power of a state agency (**EXHIBIT #19**).

{Tape: 2; Side: A}

TODD KLINK, Augusta, said he opposed the bill and the market-driven license system. He thought the bill was meant for outfitters on private lands.

SENATOR LORENTS GROSFIELD, SD #13, BIG TIMBER, said he was not necessarily an opponent of the bill. It was a good effort and he appreciated the difficulty of the problem. However, landowner-outfitters might have a point. While outfitters and sportsmen gained something, landowner-outfitters didn't gain anything and were restricted in the number of tags they could request. He didn't think it would be a good idea to set up an outfitter quota system.

SYLVIA HARMON said she was very pleased the Governor would like to see a better relationship between sportsmen and landowners. She has had problems with DFWP employees coming to her door with guns. If this bill should pass, it would be the end of her business. She hasn't been able to work with DFWP. She asked the committee to at least eliminate the cap of 10 applications available to landowner-outfitters.

Questions From Committee Members and Responses:

SENATOR BRUCE CRIPPEN, SD #10, BILLINGS, commented that if the committee chose to amend HB 195 it would, and hoped the council understood that. He asked what the bill meant by "public recreation."

REPRESENTATIVE SWANSON said she didn't recall putting that in the bill, and told **SENATOR CRIPPEN** to take it out if he wanted to.

SENATOR CRIPPEN said "access to public lands" bothered people. He said it appeared on page 5, line 16 (e), a new section.

REPRESENTATIVE SWANSON responded that they were trying to outline the considerations to be negotiated when paying compensation.

SENATOR CRIPPEN asked if a landowner would receive less money if he refused to provide access to adjoining public lands.

REPRESENTATIVE SWANSON commented that they wanted to keep it as open as possible. **SENATOR CRIPPEN** continued that he would like to know if a landowner would qualify for cash payments if he did everything but provide access to adjoining public lands.

REPRESENTATIVE SWANSON replied that she didn't know. Generally speaking, she thought landowners opened their own lands to public access. Presumably a hunter could pass through to public land.

SENATOR CRIPPEN asked why the council had decided on a limit of 10 certificates regardless of the number of acres owned or the quality of the game habitat.

REPRESENTATIVE SWANSON replied that the limit was on nonresident hunters. Two thousand of the six thousand B-11 deer combination available are reserved for clients of landowners. The landowner fills out a certificate and sends it to the nonresident. The nonresident submits this certificate with his license application. Of the landowners who took part, 94% sponsored less than 10. Of the 6% who sponsored more than 10, one sponsored 81. The second highest was 44. Not all applicants received licenses. The landowner who sponsored 81 hunters had only 57 successful applicants. There were 80 landowners whose hunters didn't get any licenses.

SENATOR CRIPPEN asked if these licenses could be transferred. **REPRESENTATIVE SWANSON** said they could not.

SENATOR CRIPPEN asked if an outfitter could sell his license if he went out of business. **REPRESENTATIVE SWANSON** replied that the license would revert to the state. He could sell his equipment, however.

SENATOR CRIPPEN asked why the increase in resident fees wasn't included in the bill. **REPRESENTATIVE SWANSON** said the key piece of the package was the variably priced license. It was assumed that the demand for those licenses would cause the price to go up rather than down. It would give the outfitting industry stability. She thought there would be enough money at the beginning.

SENATOR TERRY KLAMPE, SD #31, FLORENCE, asked what outfitters gave up. **KELLY FLYNN** said the big game combination licenses were reduced from 5600 to 5500, but the deer combination license pool was increased by 200 licenses.

SENATOR KLAMPE asked if outfitters would be hurt because nonresident licenses would cost more. **Mr. Flynn** said some outfitters might have to lower the price of their hunts.

SENATOR KLAMPE asked if presently licensed outfitters would have any advantage from the moratorium on the number of new outfitters. **Mr. Flynn** replied, "Very definitely." Every year some outfitters go into business and some go out of business. There is no fixed number at present. The moratorium will maintain a stable base.

SENATOR WILLIAM CRISMORE, SD #41, LIBBY, commented that taking away 100 combination licenses didn't appear to be of great

assistance to business, as it caused the loss of \$250,000. He asked why it was done.

REPRESENTATIVE SWANSON responded that the reduction of 100 B-10 licenses in the pool set aside for outfitters was part of the compromise. Sportsmen have always resisted raising the number of nonresident licenses. The group with the lowest success rate was comprised of nonguided deer hunters in eastern Montana. There will be 600 more deer licenses. Many people who bought the B-10 big game combination license used only the elk portion or only the deer portion.

SENATOR JOHN HERTEL, SD #47, MOORE, asked how the landowner-sponsored permit originated.

LEO GIACOMETTO, Director, Department of Agriculture, stated that it came about in 1987 when a freshman legislator didn't feel landowners were given enough consideration for the habitat they furnished publicly owned wildlife.

SENATOR HERTEL asked how the permits benefit a landowner. **Mr. Giacometto** replied that any time you lose something you derive income from, it's a problem. He personally supported HB 195.

SENATOR HERTEL asked **Mr. Harmon** how he derived income from the landowner-sponsored permits. **Mr. Harmon** said he didn't have a large place, but does have 400-600 white-tailed deer. He likes wildlife and chose to go into a hunting business. He advertises only by word of mouth but receives nearly \$50,000/year from about 25 hunters. He has sponsored as many as 32 people, and hoped 70% would be drawn.

SENATOR HERTEL asked who used these tags. **Mr. Harmon** replied "Nonresidents."

SENATOR HERTEL asked **Mr. Freeman** if he were an outfitter. **Mr. Freeman** said no, but like Mr. Harmon, he did sponsor hunts on his land. He has booked 14-18 hunters a year for a week or a weekend during hunting season.

SENATOR HERTEL asked how much **Mr. Freeman** charges. **Mr. Freeman** replied about \$100/day. They are all nonresidents. If the limit of 10 were passed, he would only get 5 or 6 and he has a great number of deer. He can't go into business on a full-time basis because of the moratorium. **SENATOR HERTEL** asked if **Mr. Freeman** allowed resident hunters. **Mr. Freeman** replied that he did, and didn't charge them.

SENATOR MIKE SPRAGUE, SD #6, BILLINGS, asked **Mr. Harmon** why he didn't charge Montana people. **Mr. Harmon** replied that he had no restrictions on Montanans - they were welcome.

SENATOR GARY FORRESTER, SD #8, BILLINGS, asked if **Ms. Baucus** were satisfied, as a landowner, that enough attention was given to the

section of the bill dealing with landowner certificates and if the cap of 10 were reasonable.

MS. BAUCUS replied that the council had tried to get landowner-sponsors to come and speak at their meetings but only one came. As she remembered, the original intent of the landowner permits was for Montanans to get relatives back to their home state to hunt. She thought the cap of 10 was fair.

SENATOR FORRESTER asked if it would be detrimental to the bill if the committee removed the cap on landowner sponsors. **Ms. Baucus** said she thought anything changing the bill could cause the balance to be lost. Landowners can always get Montana hunters on their land if they have game problems.

{Tape: 2; Side: B}

SENATOR FORRESTER asked if **Ms. Baucus** could supply a list of landowner sponsors. **Ms. Baucus** told him it was in the packet furnished to him by **REPRESENTATIVE SWANSON (SEE EXHIBIT 1a)**. **SENATOR FORRESTER** commented that according to the list, a **Mr. Grosfield** had obtained 81.

CHAIRMAN MESAROS commented that landowners' acreages and game populations vary tremendously.

Closing by Sponsor:

REPRESENTATIVE SWANSON said there were no comparisons on the size of ranches or the habitat provided. She didn't know if a correlation existed. A high number of sponsored hunters was more likely to be correlated with the business being done. She thought the committee could see what the council had dealt with for 18 months.

The initial intent of the landowner sponsor permit was for a landowner to supplement his primary business which was agriculture. It was not intended that landowners become unlicensed outfitters. DFWP had nothing to do with this recommendation.

The council went all over the state to get ideas for this bill; she thought it had the potential of solving the problem. **SENATOR HERTEL** was on the advisory council and he offered to carry both bills on the floor.

SENATOR MESAROS commended the council's efforts.

HEARING ON HB 196

Opening Statement by Sponsor:

REPRESENTATIVE SWANSON told the committee she was carrying HB 196 by request of the Board of Outfitters in an attempt to better

regulate their industry. The bill clarifies and consolidates some of the definitions in current statute and adds to the definition of a professional guide.

In Section 19 the words "intend to" were changed to "must" to require that a client of an outfitter does hunt with the outfitter who sponsored him for a license.

Section 21 provides that the executive director and the investigators for the Board of Outfitters can become ex officio wardens.

She said **Lance Melton, Department of Commerce**, would further explain the reasons for the bill.

LANCE MELTON told the committee the Governor supports this bill and it was negotiated with all interested parties. (SEE EXHIBIT 13).

Proponents' Testimony:

MAX CHASE, Former Chairman, Board of Outfitters, said he had been a licensed outfitter for many years.

HB 196 lives up to the direction given the outfitters when the 1987 legislature moved them to the Department of Commerce and told them to regulate themselves. It took seven years to develop this bill to its present form. It is intended as consumer protection. He urged passage of HB 196.

DEAN SANGREY said Idaho had the same problems and had realized very positive benefits from similar legislation (EXHIBIT #20).

JEAN JOHNSON told the committee her industry needed this bill and hoped it would pass in its present form.

ROBIN CUNNINGHAM, Fly Fishing Outfitters, said his organization fully supported HB 196. It would benefit his business and his clients as well.

TODD KLICK, K Bar L Ranch, Augusta, supported the bill; it has been needed for many years (EXHIBIT #21).

PAT GRAHAM said the Board of Outfitters has helped the outfitting industry and he believed HB 196 represented the best interests of the public (EXHIBIT #22).

GARY FRITZ, Helena, stated that he was a licensed fishing guide and recently became a licensed fishing outfitter. He supported the requirement of documentation of competency and liked the idea of ex officio wardens.

KELLY FLYNN supported HB 196.

PAUL ROOS, a new member of the Board of Outfitters, also supported the bill. He liked the enforcement provisions of the bill because violations hurt the State of Montana. Unfortunately, there have been some bad actors. Some people accept clients, charge a fee, and have not gone through the regulatory process. He thought that was unfair. He did not like to see people leave the state unhappy because it would affect the ability of his industry to do business.

BOB BIRD, Private Contract Investigator for the Board of Outfitters, supported the bill in its entirety, but was particularly pleased with the sections relating to law enforcement (**EXHIBIT #23**).

Opponents' Testimony:

None

Questions From Committee Members and Responses:

SENATOR KLAMPE commented that it still didn't sound as if the outfitters had given up anything. **Mr. Melton** said HB 195 put a temporary cap on the number of outfitters and HB 196 listed cases where people cannot hold a license.

SENATOR KLAMPE said the Board of Outfitters consists of five outfitters and two others. He asked if this bill would remedy that imbalance. **Mr. Melton** said neither bill changes the composition of the board. He thought the expertise of licensed professionals was necessary.

SENATOR KLAMPE stated that it seemed the bill was out of bounds on ex officio wardens. **Mr. Melton** replied that it only allowed those individuals to issue citations for violations that were discovered in the field and made law enforcement more effective.

SENATOR CRIPPEN remarked that **SENATOR KLAMPE** brought up a good point. He was concerned about the people who would qualify as ex officio wardens and their capabilities. **Mr. Graham** said the objective was to allow retired game wardens to be ex officio wardens without being required to maintain their status as peace officers. **SENATOR CRIPPEN** asked if they were ever peace officers. **Mr. Graham** responded that they were.

SENATOR CRIPPEN asked if they were allowed to make arrests, since they would be allowed to issue citations. **Mr. Graham** said he wasn't sure he could answer that. They can't carry guns unless specifically authorized, but they can issue citations. **Mr. Melton** stated that Department of Commerce investigators are private contractors. They cannot issue citations at present, but would be allowed to under HB 196.

SENATOR CRIPPEN asked what qualifications were necessary for the executive director of the Board of Outfitters. **Mr. Melton** stated

that the executive director's qualifications were not addressed in this bill. The current statute specifies that it is his duty to investigate licensed outfitters for potential violations.

SENATOR CRIPPEN said it appeared this person would be a quasi peace officer of some type and he didn't think it was a good idea. **Mr. Melton** told **SENATOR CRIPPEN** that **Bud Solmonsson**, the present executive director was present and would be glad to outline his qualifications if the committee were interested.

SENATOR SPRAGUE stated that DFWP had talked about additional FTE's. That would be difficult to sell on the Senate floor, given current fiscal responsibilities.

REPRESENTATIVE SWANSON replied that the additional FTE's were included in the Governor's budget - 3.25 FTE's comprised of 2.0 investigators and 1.25 in administrative support. These positions would not be funded out of state monies but through outfitters' fees.

SENATOR SPRAGUE stated that it appeared this bill would create a new police unit and asked what the added revenue would produce. **Mr. Melton** responded that he didn't think there was any way to quantify that. The idea was to put people in the field who could issue citations on the spot; it was not to create a new police unit.

Closing by Sponsor:

REPRESENTATIVE SWANSON thanked the committee for a good hearing.

Informational Testimony:

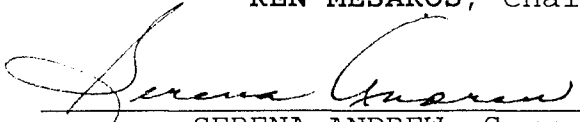
Two letters of support for HB 195 were received after the hearing (**EXHIBITS 24 & 25**). Twenty letters of opposition to HB 195 were also received after the hearing (**EXHIBITS #26 THROUGH 45**). One letter of support for HB 196 was received (**EXHIBIT #46**).

{This meeting is recorded on both sides of two 60-minute tapes.}

ADJOURNMENT

Adjournment: The meeting adjourned at 7:00 p.m.


KEN MESAROS, Chairman


SERENA ANDREW, Secretary

KM/sa

MONTANA SENATE
1995 LEGISLATURE
FISH AND GAME COMMITTEE

ROLL CALL

DATE _____

3/09/95

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HB 195 SUMMARY OF MAJOR POINTS:**NEW SECTION. SECTION 1**

- ◀ Establishes hunter access and access enhancement (landowner incentives for access) programs as part of Block Management.
- ◀ Participation is entirely voluntary and based on cooperative agreements made between the landowner and MDFWP in the same manner as Block Management agreements.
- ◀ Assistance cannot be provided to a landowner who charges fees for access to private land enrolled in the program or does not provide reasonable public hunting access to lands enrolled.
- ◀ The FWP Commission shall develop criteria by which benefits are allocated to participating landowners.

NEW SECTION. SECTION 2

- ◀ Resident landowners who enroll land in the program would be eligible to receive a non-transferrable resident sportsman's license
- ◀ Nonresident landowners enrolled in the program could receive a non-transferrable nonresident Big Game Combination license (B-10). Licenses granted in this program would not affect the quota of 11,500 nonresident B10 licenses. Nonresident landowners choosing this incentive would not receive any monetary incentives.
- ◀ The restriction on liability of a landowner, agent or tenant that is provided under 70-16-302(1) MCA applies to a landowner who participates in the hunter management program.

NEW SECTION. SECTION 3

- ◀ Establishes criteria for cooperative agreements.
- ◀ Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts public recreation or hunting opportunities.
- ◀ Benefits provided to landowners enrolled in the program will be cash payments to offset potential impacts associated with general ranch maintenance, conservation efforts, public hunting access, weeds, fire, etc.
- ◀ Payments may be received directly by the landowner or directed by the landowner to local weed districts, fire districts, etc.
- ◀ Provides a maximum of \$8,000/yr. in incentives for private landowners to allow public hunting on their property.

HB 195 MAJOR POINTS

- ◀ The restriction on liability of a landowner, agent or tenant that is provided under 70-16-302(1) MCA applies to a landowner who participates in the hunter management program.

SECTION 5.

- ◀ Revenues from the b-10 and b-11 licenses sold at a variable price would be exempt from 87-1-242 MCA directing 20% of license increases to the wildlife habitat fund.
- ◀ Generally a housekeeping section with the exception of language which excludes variable priced license revenues from habitat enhancement account contribution.

SECTION 6.

- ◀ Provides for the variable priced sale of a five-year average of 5500 B-10 (Non-resident big game combination) and 2300 B 11 (Deer combination) outfitter-sponsored licenses. Unsold licenses from these categories would be reallocated for drawing at a price set by the FWP Commission.

SECTION 7.

- ◀ Requires DFWP reporting to the governor and each regular session of the legislature regarding the success of the program. (Offering amendment to have independent group report to Governor and Governor report to legislature)

SECTIONS 8 and 9

- ◀ Outfitter-sponsored non-resident licenses (class B-10 and B-11) will fund these programs through sale at variable rates set annually by the Montana Fish, Wildlife & Parks Commission. Prices will be set at market rate intended to sell not more than an average of 5500 B-10 licenses and 2300 B-11 licenses each year, calculated over a 5-year period. Licenses remaining, if any, after sale may be reallocated by the commission for a drawing at a price set by the commission.
- ◀ The 2000 Landowner-sponsored licenses will be available and sold at a rate as provided in 87-2-511.

Section 10

- ◀ A landowner-sponsor may not submit for or receive more than 10 licenses (class B-11) annually.
- ◀ Reiterates current regulation that non-residents hunting with landowner-sponsored B-11 licenses must conduct all hunting on the deeded lands of the sponsor.
- ◀ Any permits, or tags secured as a result of obtaining an outfitter sponsored nonresident deer or "combo" license are valid only when hunting with a licensed outfitter.

EXHIBIT 1
DATE 3-9-95
31 HB 195

HB 195 MAJOR POINTS

SECTION 11

- ◀ Provides for a 5-year moratorium on the issuance of new land-based hunting outfitting licenses by the Board of Outfitters.'

SECTIONS 12-14

- ◀ These are sections which specify codification (where in the statutes these laws would be placed), severability (deletes any portions not deemed legal from other portions which may be) and Saving (does not affect rights previously in effect before the bill was made law).

SECTION 15

- ◀ Establishes effective dates for Sections 5 through 9 (March 1, 1996) and sections 1-4,10 and 16 (October 1, 1995).

SECTION 16

- ◀ Establishes a sunset date of October 1, 2001.

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NON-RESIDENT COMBINATION LICENSE STATISTICS 148195

Success Rates						
Type	1989	1990	1991	1992	1993	1994*
<u>Big Game Combination</u>						
General	100%	91%	90%	74%	67%	62%
Outfitter	100%	100%	99%	95%	91%	84%
<u>Deer Combination</u>						
General	31%	29%	24%	28%	25%	23%
Outfitter	100%	99%	80%	93%	76%	73%
Landowner	100%	99%	99%	81%	78%	69%

Number of Applicants							
Type	Quota	1989	1990	1991	1992	1993	1994*
<u>Big Game Combination</u>							
General	11,400	10,896	12,576	12,795	15,506	16,983	18,346
Outfitter	5,600	5,600	5,576	5,622	5,919	6,141	6,647
<u>Deer Combination</u>							
General	2,000	6,647	6,906	8,375	7,088	7,981	8,428
Outfitter	2,000	1,923	2,018	2,515	2,161	2,616	2,734
Landowner	2,000	1,544	2,016	2,052	2,459	2,549	2,865
Totals	23,000	26,610	29,092	31,359	33,133	36,270	39,020

* Processing as of 4/6/94

Landowners Sponsoring more than 10 (1994)

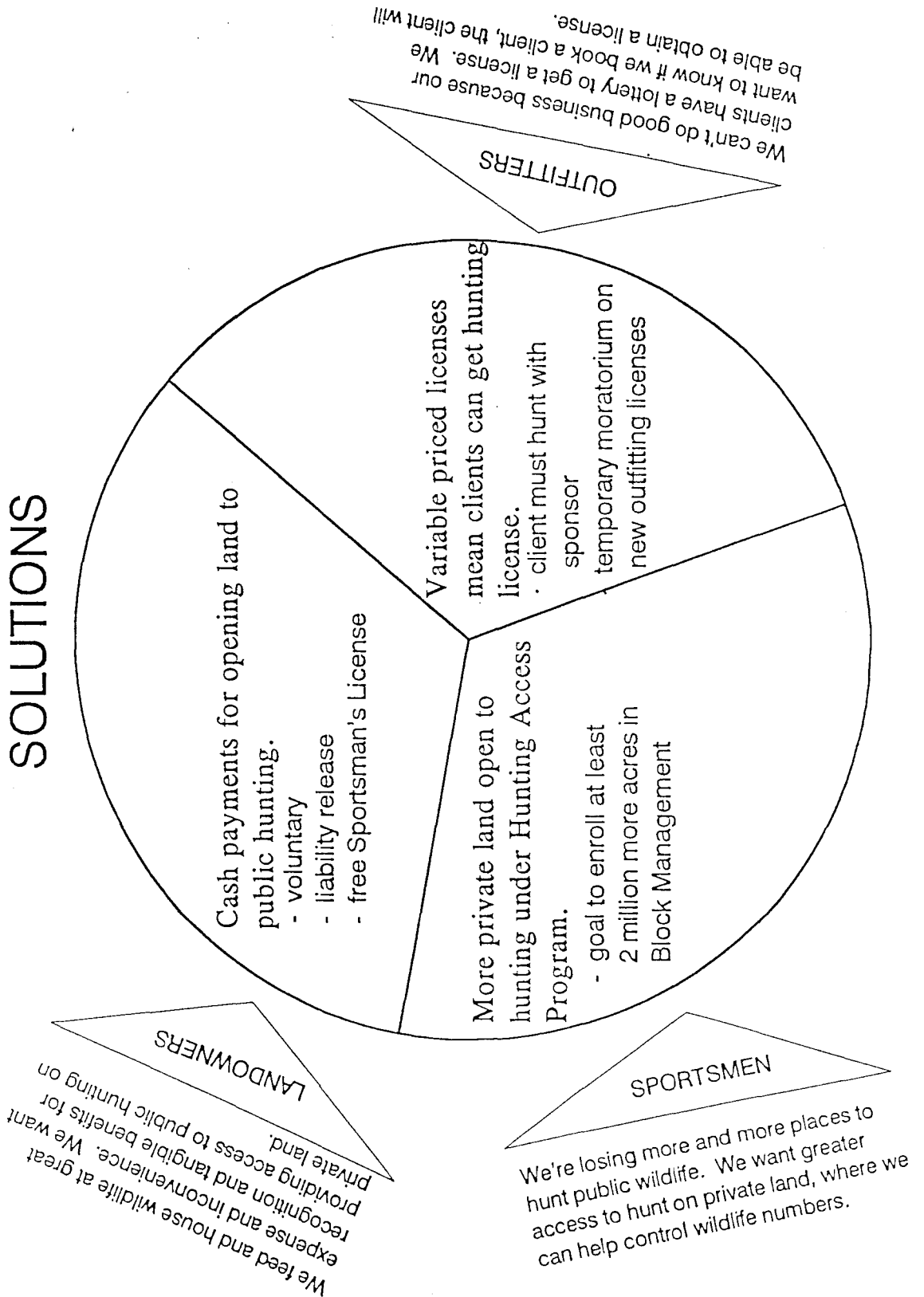
Sponsor #	Name	City	# Sponsored	# Successful
40	Grosfield, Franklin	Big Timber	81	57
205	Hansen, Vic	Ekalaka	44	37
182	Parks, Dean	Ekalaka	39	24
117	Bergtoll, Leo	Saco	38	19
1	Andrews, Ira	Biddle	32	32
236	Shoup, Paul	Billings	30	23
377	Hardy, Boyd	Fairview	27	16
21	Cox, Conrad L.	Whitewater	27	12
303	Knudson, Lars	Volborg	25	18
9	Billing, Tom	Jordan	25	17
678	Grosfield, Lorents	Big Timber	24	14
184	Richards, Wilson	Lewistown	24	18
143	Hope, Carl	Bighorn	23	8
1080	Phipps, Robert	Brusett	22	15
806	Smith, David B.	Miles City	21	18
495	Dinstel, Bruce	Alzada	21	14
175	Langhus, Sam	Big Timber	21	15
44	Henderson, David	Miles City	21	16
42	Harmon, Dean	Bainville	21	15
203	Yates, Richard	Hammond	20	11
391	Gay, William	Broadus	19	19
161	Warner, Don	Broadus	19	19
858	Allen, Harry & Ellen	Custer	18	16
849	Etchart, Joe	Glasgow	18	9
756	Beley, Larry	Big Timber	18	14
295	Lammers, Larry	Shamut	18	16
794	Billing, Leo	Miles City	17	15
788	Taber, Eugene	Shamut	17	12
875	Elderman, Dan	Miles City	16	12
480	Grosfield, Arne	Big Timber	16	14
327	Landa, Jerry	Boyes	16	15
206	Rumph, Robert	Biddle	16	12
181	Newman, Howard	Ingomar	16	9
87	Russiff, Joan/Sam	Olive	16	13
35	Gentry, Ethel/Roy	Glendive	16	10
300	Townsend, Jerry	Highwood	15	7
276	Brewer, Steve/Joann	Forsyth	15	11
209	Dvorak, Ron	Lewistown	15	9
164	Singleton, Jerry	Miles City	15	10
138	Bonefield, Roger	Camp Crook SD	15	10
722	Willson, Preston	Volborg	14	5
75	Nash, Don	Broadus	14	13
888	Econom, Tom	Winifred	13	9
310	Chamberlain, Curtis	Brusett	13	12
298	Deibel, Jack A.	Volborg	13	8
221	Coulter, Rod	Brusett	13	7
58	Keith, Jesse L.	Ekalaka	13	8
607	Walker, Emery	Alzada	12	12
469	Wankel, Tom	Angela	12	12
421	Terrett, Curt	Miles City	12	11
250	Fulton, George	Broadus	12	4
219	Bue, Reed	Reedpoint	12	8
186	Sams, Lee	Biddle	12	7
2	Arlian, Leo	Big Timber	12	7
820	Mills, Mary Anna	Boyes	11	5
759	Laird, Erland	Ekalaka	11	11
707	Mikesell, Wayne	Birney	11	5
581	Bice, Donald	Boyes	11	7
441	Schultz, Kenny	Ekalaka	11	4
340	Phipps, Curtis	Brusett	11	9
331	Bruski, Ralph	Ekalaka	11	10
324	Keyes, Wade	Forsyth	11	4
220	Cole, Arlin	Alzada	11	8
61	Kolka, Kenny	Volborg	11	1
25	Demars, Tom J.	Winifred	11	8

65
6% of
applicants

80 applicants
(7.2%)
received
NO to-go

PRIVATE LANDS/PUBLIC WILDLIFE

Sponsors: Swanson, Hibbard, Hertel, Pipinich



SENATE FISH AND GAME
EXHIBIT NO. 1B
DATE 3/09/95
BILL NO. LB 195

SENATE FISH AND GAME

EXHIBIT NO.

2

DATE

3/09/95

BILL NO.

213

195

HOUSE BILL #195

PRIVATE LANDS/PUBLIC WILDLIFE

Nina Baucus, Chairman

Mr. Chairman, Committee Members;

My name is Nina Baucus and I had the pleasure of chairing the Governor's Private Lands/Public Wildlife advisory council.

Following the guidelines of HJR 24 Governor Racicot appointed an 18 member advisory council of people from across Montana. Each of these people was chosen because of their expertise and varied interests in matters dealing with issues of importance to Montana's hunting heritage. The council membership included sportsmen, landowners, and outfitters as well as one ex officio member from the Forest Service, Department of State Lands, and the Bureau of Land Management. Each person who accepted a position on the council did so as an individual and not as a representative or spokesman for any special interest group. In addition, all council members made a commitment to each other to work together to find viable solutions to the issues as presented to the council in the Governor's Executive Order #6-93.

The council members chose the decision making process of consent by each member on each decision of the council with the understanding that if, for any reason consent by each member was not reached on any individual decision then they would either work harder to reach consent or throw the suggestion out all together.

At the initial meeting the council members also decided that any recommendation they might arrive at had to come from the people of Montana. With that in mind the council turned to local groups throughout the state for help in the process of gathering input from all people with concerns and interests in the issues of hunting and hunting access. Some of the local groups used by the council were already in existence and others were established. Each group was made up of sportsmen, landowners, outfitters, and department and agency people. All of them were asked to address the hunting and access issues of concern in their area and then to bring that information back to the council. As this initial information was gathered the council put together the first draft of recommendations. This was sent back to the local groups as well as to organizations across Montana for review and revision. The initial mailing list consisted of 145 names of various organizations in Montana which have interests in hunting and access issues. Each organization was asked to share all material from the council with their membership and then to respond back to the council. Copies of the initial draft and each subsequent draft were made available to the public. As individuals throughout the state began participating in the input and review process the mailing list grew to over 800 names. During the 60 day comment period which followed the mailing of the first draft the council held public meetings across the state. At these meetings council members sat down with the people to discuss the issues, the people's concerns and the people's recommendations for addressing those concerns. When the council met following the end of the first comment period copies of all public comments received were given to each council member. After studying these comments the council revisited the initial recommendations revising some, adding new ones and throwing others out so that the second draft better reflected the wishes of the people. These revised recommendations were then sent back to the people for a second

review. As with the first comment period the council again held public meetings across the state and again sat down with the people to discuss the issues and proposed recommendations. During the first public comment period the people were very vocal about the issues, their concerns and their recommendations. They also were not a bit bashful about expressing their skepticism that the council would truly listen to them or pay any attention to their comments. But when the people received copies of the second draft and found that the council did indeed listen to them they were quite surprised and pleased. They expressed a feeling that maybe this time there might be hope for some resolve for the issues dealing with hunting and hunting access in this state.

Following the second comment period the council again reviewed all of the public comments and revised the draft recommendations to reflect the comments received from the people before sending the third and final draft of recommendations out. At the end of the third comment period the council members finalized their recommendations on the issues pertaining to hunting and access in Montana as outlined in the Governor's mandate to the council. These recommendations were then sent to Governor Racicot and are now before this committee as House Bill #195.

Let it be noted that the recommendations presented to Governor Racicot by the advisory council did not come from the council. And let it further be noted that the bill which is now before you does not come to you from the Governor. The recommendations and subsequently the bill now before you come to this legislature from the people of Montana. It was the belief of the council that the only possible means of finding viable solutions to the greatly varied concerns of hunting and hunting access issues in this state was to go to the people, to listen to them, and to put together a package of recommendations from the people. The only part the council held in this process was that of listening to the people and then melding together the responses heard so that each issue was addressed from all points of view. The council took this responsibility to the people of Montana very seriously and gave equal weight to each and every comment received. Because the council was directed to address the issues on a statewide basis and from each point of view the recommendations as presented to Governor Racicot consisted of a package of balances. Every recommendation within the package was achieved in a give and take process in which the council tried to very carefully balance the concerns of all interests. In order to accomplish this all interest parties were asked to do some giving. But in return all interests received something. For this reason there is probably no one in the state who is completely comfortable with everything in HB #195. This is because no one received everything they wanted and everyone was asked to compromise in order to attain the solutions arrived at. HB#195, like the recommendations, is a collection of checks and balances. Nothing within this bill can stand on its own. And if anything is taken away the balance so diligently worked for and carefully achieved will be lost.

To those of you who will now be studying and voting on HB #195 please remember that the entire bill consists of checks and balances that come to you from the people of Montana. And that any changes to this package will upset the delicate balance which has been achieved.

Thank you.

HB 195 --- Recommendations from the Governor's Council on Private Lands & Public Wildlife

SENATE FISH AND GAME

EXHIBIT NO. 3

DATE 3/09/95

Mr. Chairman, members of this committee. My name is Kelly Flynn. I am an outfitter, landowner, and sportsperson from Broadwater County and a member of the Governor's Council on Private Lands & Public Wildlife. I stand in strong support of HB 195.

Today I come before you not just as that outfitter, or the landowner, or that sportsperson. I stand as one of many dedicated Montanans that has worked with thousands of other Montanans contributing through a consensus process to find win - win solutions for each of those groups.

HB 195 provides vital considerations for the outfitting industry while balancing those incentives with win - win results for sportspeople and landowners.

- ◆ (1) This bill addresses the most critical issue facing the outfitting industry today --- the industry's inability to secure a license for a booked client and the resulting lack of viability.

This bill which allows variable pricing of outfitter reserved licenses gives the industry the opportunity to secure a license for each booked client. Besides answering one of the outfitting industry's concerns, these variable priced licenses for the proposed 5500 B-10 & 2300 B-11 licenses will provide important considerations for both landowners and sportspeople. Additional funds generated by those licenses will go to the hunter access --- landowner incentive program. The industry must realize that the package of benefits offered to landowners will serve as a option to leasing lands to an outfitter. I wholeheartedly support this meaningful voluntary program for landowners encouraging them to maintain hunter access to their lands and keep their lands in agricultural production.

- ◆ (2) Next, this bill will provide 200 additional clients for the outfitting industry. HB 195 proposes to lower the target of B-10 (elk & deer combo) licenses from 5600 to 5500 while increasing the target average of B-11 (deer combo) licenses from 2000 to 2300. Over 18 months of deliberations, the Governor's Council has tried to balance all the recommendations. We were told there was a greater need for more deer combo licenses and we balanced out that increase by suggesting to decrease the number of elk -deer combo licenses. I believe what this bill presents in regards to those licenses is good for the outfitting industry of Montana --- there is a gain of 200 more potential clients for the outfitting industry.. Does it provide a win -win alternative for landowners & sportspeople? Yes, it does. Increased dollars from this increased number of variable priced licenses will go to support the hunter access enhancement & landowner incentive program. Additionally, to address a concern of sportspeople, this bill proposes that all permits or tags secured as a result of obtaining a B-10 or B-11 license through an outfitter sponsor are valid only when hunting is conducted with a licensed outfitter. In summary, this means that once a client finishes hunting with an outfitter, that client may not go out on his own to other parts of Montana and compete with the unguided hunters.

- ◆ (3) **Last, this bill proposes a 5-year moratorium on the issuance of land-based hunting outfitter licenses.** In the mid 1970's, Montana's freemarket system for the outfitting industry ended when a limitation of 17,000 was set into law. For many years, outfitter numbers stayed stable. However, in the past two years, the number of outfitters in Montana has skyrocketed. Sportpeople have become increasingly concerned as they perceived more of the lands they traditionally hunted gulped up by the outfitting industry. The outfitting industry has become increasingly worried about their economic viability and social acceptance as their numbers have skyrocketed. The issue of protection of the **public welfare** has stepped to the front. This moratorium calls a "**timeout**" for everyone to focus on this issue and see how all the changes from HB 195 & 196 would protect the hunting resource, public health, public safety, and public welfare.

There is no doubt that there are individuals --- outfitters, sportpeople, and landowners--- who will stand today and oppose some part of this package . . . and that is all right. I only wish that everyone could have participated in the last 18 months of deliberations . . . and yes, I do know that some of those detractors did share their views. However, I do know that many Montanans have expressed their ideas over the past 18 months and this bill is a carefully blended mix of many of those folk's suggestions.

Mr. Chairman, members of this committee. This bill is that thoughtfully balanced series of recommendations providing win - win provisions for outfitters, sportpeople, and landowners. I strongly urge your support of HB 195.

Testimony in Support of HB 195

by Verle L. Rademacher,
Private Lands/Public Wildlife Council Member

Chairman Mesaros, Members of the Senate Fish and Game Committee and fellow Montanans:

I am excited to appear before this committee and lend my support to this legislation. As a member of the Private Land/Public Wildlife Council, it was my privilege to see Montanans work together to come up with ideas that will benefit sportsmen and women, landowners and outfitters. This is a win/win solution for all!

What we have worked out has some important benefits for landowners in the Block Management and Hunting Enhancement Programs. These are voluntary programs with financial benefits to those landowners who enroll in the programs to provide hunting opportunities.

The first common sense courtesy extended to landowners was to make available a resident Class AAA Sportsman's license to those who have enrolled their land in the hunter management program. For nonresidents, as an inducement and as a recognition of their effort to share their lands with resident sportspeople, a nonresident Class B-10 big game combination license will be made available. These do not affect the quota of 11,500 nonresident Class B-10 licenses.

Neither license can be transferred by gift or sale. They are given only to landowners of record and only after a cooperative agreement between the landowner and the department that will guarantee reasonable access for public hunting is signed.

Resident landowners can receive assistance in block management and also the hunting enhancement program. Nonresidents can receive assistance in block

management only. They would not be eligible for the added monies of the hunting access enhancement program.

Those who enroll in these programs have an important added benefit—guaranteed restrictions on liability of the landowner, agent or tenant. That alone can take much of the worry from a landowner's shoulders who allows hunting under these programs.

The Council has worked out funding. These programs are to be funded through the sale of the variable priced nonresident B-10 and B-11 licenses for outfitter sponsored hunters. The cost over and above the normal B-10 and B-11 license costs will go into a fund to cover the cost of the block management and hunting access enhancement program.

In short, landowners have inducements to open their lands to sportsmen, the sportsmen and women obtain more areas to hunt and outfitters have an opportunity to obtain licenses for their guided clients. Win/win solutions for all sides!

These are just a few of the benefits of the legislation before you and the recommendations the Private Lands/Public Wildlife Council sent to Governor Racicot. These common sense solutions were worked out in compromises arrived at by listening to the Montana landowners, sportsmen and outfitters who gave their input into the final agreement.

Let me leave you with an admonition that was relayed to us as we began the process of working on this Council. The time frame for compromise among landowners, sportsmen and outfitters is short. We have only a few years to work these problems out while we can still talk to one another and make compromises. The Council has done the work it was called upon to do and have put together something that will work. I caution you to be very, very careful in doing anything to this legislation that will upset that delicate balance of compromise that we have arrived at. This is, I believe, the most important piece of fish and game legislation that you will handle this session. Thank you.

Testimony In Support of House Bill 195
March 9, 1995

Glenn Marx, Governor Racicot's Office
Senate Fish & Game Committee

SENATE FISH AND GAME

EXHIBIT NO. 5

DATE 3/09/95

BILL NO. HB 195

Mr. Chairman, for the record my name is Glenn Marx and I serve as policy director for Governor Marc Racicot.

Of all the legislatively-created groups that have labored the past two years, none was more important to Governor Racicot than the **Private Lands/Public Wildlife Advisory Council**. And none deserves more admiration or gratitude.

The **Advisory Council** had a virtually impossible job to do. They were told to pick through the sportsman-landowner wreckage that occurred during the 1993 Legislative Session, find whatever shards of hope or trust still existed, and march forth into a black hole of anger to fix the hemorrhaging problems of landowner-sportsmen conflict over private lands access.

The result? Not only has the Council moved forward, they have flourished and produced nothing short of a minor miracle.

Governor Racicot and I watched the Council struggle through each painful decision, each difficult issue, each arduous task. And make no mistake, they struggled. But they never gave up. They never lost sight of their goal, and they accomplished their goal.

So I can give absolute assurance that the Governor offers his profound compliments and gratitude to Chair Nina Baucus and each and every Advisory Council member. They have stepped into the breach, took the heat, and through sheer guts and perseverance, performed a great service to Montanans. They represent a shining example of the good faith, the honest purpose and the sense of community that can still, thank goodness, be summoned in Montana for the public good.

The Council's outstanding performance has produced a package of recommendations that has resulted in the bill before you today, House Bill 195.

The Governor strongly supports the package--and I want to emphasize the word package--embodied in House Bill 195. The obvious temptation is to nitpick and tweak this package. All of us in this room can find something in this bill to oppose. But the bill represents a very, very fragile agreement. A tweak here, a tweak there, and the package can unravel. Which would be tragic, tragic for hunters, landowners, outfitters, Montana wildlife, and even, to a degree, Montana's economy.

A hunting access enhancement program, the creation of tangible benefits for landowners who provide access, the protection of wildlife habitat, a market based hunter license system, a

moratorium on outfitters licenses...each of them, in a stand alone bill, create warfare. Together, they create compromise, even, perhaps, harmony. Most importantly, this bill represents constructive and promising progress on landowner-sportsmen relations at a time when promise is sorely needed.

Mr. Chairman, the Governor congratulates the Council on its fine work, its consensus process, its aggressive public involvement program and its balanced set of recommendations. He strongly encourages passage of House Bill 195.



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"Where respect for the resource and a quality experience for the client go hand in hand."

SENATE FISH AND GAME
EXHIBIT NO. 6
DATE 3/09/95
BILL NO. 212 195

HB 195 — Senate Fish and Game
March 9, 1995

Mr. Chairman, members of the committee, for the record, my name is Jean Johnson. I'm the executive director of the Montana Outfitters and Guides Association, a position I've held for nearly four years.

We applaud the council's work. They had a most difficult task to do and tremendous pressure from all sides. The results of that effort — HB 195 — is a remarkable beginning.

HB 195 represents a beginning for everyone — landowners will finally have a real alternative to outfitting; sportsmen and women will have more private land on which to hunt. And outfitters will have a license for their booked clients.

As remarkable as it is, please don't think HB 195 represents the final solution for outfitters. It doesn't. There are too many unknowns, including the impact that comes from other states with the price of their own licenses, their deadlines, the reputation of their wildlife and so on.

The cornerstone of HB 195 is the variable priced, market-driven license for guided nonresidents. We have a major concern with the variable priced license, and it has to do with the reality of an eventual \$1,000 license:

- When the ordinary, blue-collar hunter can no longer afford the cost of the license, outfitters will find themselves offering a service that is focused on racks more than the campfire experience. Believe it or not, the majority of Montana's traditional outfitters prefer to guide the true sportsman, the "fair-chase" hunter. When the traditional Montana outfitter is unable to serve the traditional nonresident hunter, the dynamics of the industry will shift.
- And when the cost of hunting becomes just too high, the hunting public will hang up its rifles and that's when we all lose — and the anti-hunter wins.

Right now, today, HB 195 applies a tourniquet on the outfitters' steady flow of lost clients. We need it desperately.

And it puts three groups — landowners, sportsmen and outfitters — are on the roa, and most importantly, they are walking together.

I want to share with you an example that shows that the consensus Rep. Swanson started and the council lived by is still working: When we presented our amendment to return the number of B-10 licenses to the original 5,600 to the Montana Wildlife Federation, they indicated they would not oppose our request. We appreciate that. We are indeed on the road and we need to stay on the road.

When HJR 24 was passed two years ago, I was skeptical. And when Rep. Swanson amended the resolution to include the consensus clause, I was scared. But we were determined to give the process a fair hearing. And thanks to Governor Racicot's innate sense of fair play and his wisdom in selecting the members of the council -- and because Chairman Nina Baucus has a cool head and fair hand -- and because two outfitters — Kelly Flynn and Russ Smith — gave up countless hours to carry the message for their profession, we have emerged from the process with something that deserves a chance. I wish we had the time in this hearing to tell you how hard the other council members worked and how willing they were to listen to us. Without exception, each one was unfailingly courteous and willing to hear our story.

I urge you to consider the work that has been done to date and to pass HB 195.

House Bill No. 195

March 9, 1995

Testimony presented by Pat Graham

Montana Fish, Wildlife & Parks

before the Senate Fish and Game Committee

Twelve different bills were introduced regarding issues of private land and public wildlife during the last legislative session. None of those bills were successfully enacted. The resulting gridlock was addressed through House Joint Resolution 24 which asked the Governor to appoint a citizen council composed of people representing the interests of landowners, sportspersons and outfitters.

House Bill 195 is the result of over 18 months of remarkable work on the part of the diverse group of citizens that made up the council. It also is the result of a great deal of input and advice from individual private citizens, local working groups, agencies and nonprofit organizations.

Hunters are concerned about diminishing access to private and public land for hunting opportunities. They have supported through regulations, license fees and personal contributions the rebuilding of Montanan's wildlife. Landowners are concerned about the number of game animals on their lands, and the lack of economic incentives to allow public hunting. They feel their contributions to sustaining wildlife are often overlooked. Outfitters are concerned about stabilizing their industry and having greater assurance their clients will get licenses.

Hunting is the primary means through which the state controls populations of big game animals. Access is fundamental to maintaining the balance of wildlife numbers, landowner tolerance and hunters' desires. Lack of access on adjoining lands can cause problems for landowners as well as hunters. Few acres open also concentrates hunters on fewer lands further stressing a landowner's tolerance.

This proposed legislation is the result of a consensus process by the council. It addresses each group's concerns and by necessity required compromises from all interests. No one gets everything they want in this bill and all have to give something up. However, this legislation offers significant, positive progress in addressing the concerns of landowners, sportspersons and outfitters.

The hunter access enhancement program (landowner incentives for access) established by this bill would be part of the existing Block Management Program. This proposed program is entirely voluntary for all participants and based on cooperative agreements made between the landowner and the Department in the same manner as

Block Management. Block management is an existing program that is popular with both landowners and sportsmen. In 1994 3.2 million acres of private land were enrolled in this program by Montana landowners. If the addition to the Block Management program proposed in this bill is passed, we believe we could increase the acreage significantly.

The Department supports providing tangible benefits to landowners enrolled in the program to mitigate potential impacts associated with public hunting access. These impacts may affect general ranch maintenance, weeds, fire protection, etc.

Sportspersons, landowners, outfitters and other interested parties will help develop criteria for allocating benefits among participating landowners. The Fish, Wildlife & Parks Commission will use an advisory committee to develop criteria for allocation of benefits. This process will be similar to that used successfully in developing rules for the Block Management program thereby providing a voice for all interests.

Nonresident landowners who own sufficient acreage of land in Montana for hunting often acquire the land for their own recreational use, and it is anticipated that few would open their lands for public access by enrolling in the program. I would anticipate that very few landowner licenses would be issued.

The Department understands concerns of landowners regarding the potential for increasing their liability when enrolling in a hunter access program in which the landowner receives consideration for allowing public access. The liability coverage provided landowners allowing free access under 70-16-302 (1) MCA will extend to landowners enrolled in this program.

The Department supports the creation of variable priced licenses for B-10 nonresident combination licenses (elk/deer) for outfitter sponsored clients and for B-11 nonresident deer combination licenses for outfitter sponsored clients. This proposed license structure serves three very important purposes:

1. Provides a source of revenue for funding the proposed access enhancement program.
2. Helps stabilize the outfitting industry by solving concerns of outfitters that clients booked for hunts do not always draw a license in the current drawing system.
3. Provides nonresident hunters choosing to obtain a license through an outfitter sponsor, the assurance of getting a license.

This proposed license structure still limits the number of licenses for outfitter sponsored clients by using a flexible price structure to hold buyer numbers to a five year average of 5,500 B-10 licenses and 2,300 B-11 licenses.

The nonresident hunter can still choose to apply for a license in the general nonresident pool, in which case they would pay the same price as exists in law now.

While the Department does not know the exact amount a variable priced license structure would generate, we believe that it would be in excess of one million dollars annually. Resident hunters currently contribute nearly \$1 million in incentives provided annually to landowners (\$500,000 block management, \$350,000 game damage, and \$110,000 predator control). Resident fees have increased 50 percent since 1991 with part of those increases going to these programs. The Department believes that any future increases in funding for the hunting access enhancement program should come from increases in resident license fees. However, I believe that increases in resident license fees are not necessary at this time.

The increase of the total number of nonresident deer licenses from 6,000 to 6,600 poses no major biological problems at this point in time. Deer populations are healthy. The Department issued 161,855 resident deer "A" licenses in 1994 and an increase of 600 licenses for nonresidents represents four tenths of a percent (0.004) increase. Likewise the switch of 100 nonresident B-10 combination licenses from the outfitter set-aside pool to the general nonresident drawing pool is not opposed by the Department. Pressures to reduce access as a result of the increased license should be offset by the funding provided to the landowner incentive program.

The landowner sponsor statute (that allows landowners to sponsor nonresident hunters for a separate drawing for B-11 nonresident deer combination licenses was in part intended as a means of allowing nonresident friends and family of landowners a greater chance of drawing a hunting license. The increased interest in using these licenses has reduced the drawing success and has reduced the chance of some landowners to sponsor friends and family members. The Department supports the proposed limit of 10 as the number of licenses a landowner sponsor may submit or receive per year.

The Department supports the language requiring reporting to the Governor and to each regular session of the legislature on program success. This is a new program and improvements can be made as experience is gained. Likewise, the Department does not oppose the bill's sunset provision of October 1, 2001.

The Department recognizes that this bill is not the answer to all the private land/public wildlife issues. However it is a significant step in the right direction where the interests involved have moved from outright conflict to building a program on common ground. The Department wholeheartedly supports this bill and lauds the efforts of all the Montana citizens involved in developing this legislation.

MONTANA WILDLIFE FEDERATION
Testimony on HOUSE BILL 195
House Fish and Game Committee

SENATE FISH AND GAME
EXHIBIT NO. 8
DATE 3/09/95
BILL NO. 242 195

I am Jim Richard, with the Montana Wildlife Federation

I want to commend the Private Land/Public Wildlife Council for 18 months of intensive work on some very divisive and contentious issues.

Montana Wildlife Federation supports House bill 195, which, in part, will implement some of the recommendations of the Governor's Private Land/Public Wildlife Advisory Council.

Our support comes after a great deal of soul-searching, and extensive discussions with our local affiliate clubs.

To put our position in perspective, it is important to understand that for most of this century, the wildlife resource in North America has been recognized as belonging to the public, and that the state serves as the trustee for that fish and wildlife. The people of the United States, and especially Montana, have almost religiously embraced the principle that we all shall share equally in this unequalled public resource. The fish and wildlife are to be enjoyed by all people, without regard to class, privilege, wealth or means.

This doctrine, uniquely North American, is clearly distinct from the class system of Europe, where wildlife is enjoyed by those of wealth, royalty and privilege.

With few exceptions, Montana has steadfastly resisted the temptations to allocate our fish and wildlife based on economics or commerce. We violated this principle when we created a bighorn sheep permit auction, and then a moose permit auction, to give permits to the highest bidder. When we set aside 5600 nonresident big game combination for the exclusive use of hunters who book with commercial outfitters, we did so to benefit an economic interest, not to equitably allocate licenses among nonresident hunters.

The key element of the Council's recommendations is the variable-priced license for outfitted nonresident hunters. This element is the linchpin that holds the entire package together.

This proposal would allocate nearly 1/3 of the 17,000 nonresident combination licenses based on a market-driven system that GUARANTEES a license to any nonresident willing and able to pay. This linchpin of HB 195 - the variable-priced license - further expands the existing class system among nonresident big game hunters.

We sportsmen and women have had a very difficult time accepting this transgression of our cherished doctrine.

The Montana Wildlife Federation is supporting HB 195, not necessarily as a long term solution, but as an excellent interim measure for the 5-year term of the legislation. The Private Land/Public Wildlife Council worked a virtual miracle to reach consensus in 18 months on volatile issues that have divided three constituencies for years. We hope that the package embodied by HB 195, which offers benefits to all parties, can create a civil atmosphere over the next 5 years that will allow the various constituencies time to deliberately and thoughtfully continue to find solutions consistent with basic Montana values and principles.

Time is a great healer and educator. We believe that we all are obliged to honestly and in good faith work with, experience and examine the innovative approach of HB 195 over the next 5 years.

Our support for HB 195 is based on the premise that the proposed legislation will proceed as introduced, and will not be amended.

AMENDMENTS TO H.B. 195

SENATE FISH AND GAME

EXHIBIT NO. 9

DATE 3/09/95

BILL NO. 248 195

1. Page 8, Lines 28-29:

Strike in their entirety.

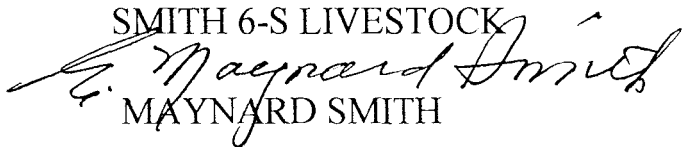
Insert: "Such funding must be provided by an increase in resident
hunting license fees, or a redistribution of existing
resident hunting license fees."

TESTIMONY HB 195

March 9, 1995

I support HB195 for the following Reasons:

1. It is voluntary
2. Wildlife numbers are at an all time high, using private forage a good part of the year. Establishing more Block Management Areas (BMA's) will increase hunting opportunities for the sportspersons, thus holding game numbers in check . It will help compensate the landowner for some of the costs associated with less available feed for livestock, the contamination of noxious weeds that are spread by vehicles, and the destruction of range improvements (fences) by wildlife and increased hunting pressure.
3. I feel the burden of paying for these BMA's should be borne by the local sportspersons, not the out of state hunters, since from my experience the BMA's are used mainly by the local sportspersons. Also some of the funds should be used to hire more game wardens to help protect the private property and livestock in the BMA's.

SMITH 6-S LIVESTOCK

MAYNARD SMITH

SENATE FISH AND GAME
EXHIBIT NO. 11
DATE 3/09/95
BILL NO. 266 195

NAME Gary Duffy

ADDRESS _____

HOME PHONE _____ WORK PHONE _____

REPRESENTING _____

APPEARING ON WHICH PROPOSAL? _____

DO YOU: SUPPORT X OPPOSE _____ AMEND ✓

COMMENTS:

I would amend this bill - the part that addresses the moratorium. As written, this part of the bill may not address the situations in which an outfitter owns more than one business. As written, if one business is sold, there may not be a way for the buyer to obtain an outfitter license, hence there could be no sale. It has been unlawful for an outfitter to possess more than one outfitter license.

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

My name is Tom Younggren. My wife, Elizabeth, and I ranch on Horse Prairie, 45 miles southwest of Dillon in Beaverhead County. We support HB 195.

Our ranch, the Lazy E-4 Cattle Co., consists of about 7,000 deeded acres. In the last ten years there has been a dramatic increase in elk numbers in our area; maybe more than 300%! In the mid 1980s it was very rare to see a large herd of elk at anytime. Now it is very common to see herds of 200 to 400 elk in the winter. Elk are prevalent all year long on the ranch. There are elk in the hay meadows, the creek bottoms and in the hills all summer.

They eat grass and hay and wreck fences. The loss of livestock forage, man hours of fence repair, and other costs amount to thousands of dollars a year for us.

This bill is a first step in addressing the problem of finding a way to adequately recognize and compensate private landowners for unchecked wildlife damages to our livelihoods. It is time for the public through the Fish, Wildlife and Parks Department to explore ways of doing something to redress the very real and substantial dollar losses that result from increased wildlife numbers.

Respectfully submitted
Tom Younggren



MONTANA DEPARTMENT OF COMMERCE

Professional and Occupational Licensing Bureau
111 North Jackson PO Box 200513
Helena, MT 59620-0513

SENATE FISH AND GAME
LEGISLATIVE NO. 13
DATE 3/09/95
BILL NO. 212 195
Phone: (406) 444-3737
FAX: (406) 444-1667
TDD: (406) 444-2978

March 8, 1995

Chairman Mesaros, Committee Members
Senate Fish and Game Committee

Subject: House Bill 196

Dear Chairman Mesaros and Committee Members:

I am Lance Melton. I am an attorney with the Department of Commerce, here on behalf of the Board of Outfitters to speak in favor of House Bill 196. House Bill 196 is a bill presented by request of the regulatory board that oversees the outfitting industry. House Bill 196 has been negotiated with the affected individuals, which is demonstrated by the endorsement of the private associations representing both land based and water based outfitters and guides.

House Bill 196 has the approval of the Governor's Office in its entirety, which was obtained through the executive planning process. In addition, the Governor has re-confirmed his support for major portions of House Bill 196 through his endorsement of the final proposal of the Governor's Task Force on Private Lands/Public Wildlife. The final task force proposal endorses every aspect of the bill with the exception of the new classification for "professional" guide. The Task Force was not opposed to the classification for professional guide, but did not address the issue in its public hearing process. The remainder of House Bill 196 is addressed and endorsed in the final recommendations of the Task Force.

House Bill 196 had considerable bipartisan support in the House, passing on a 63-37 vote on Third Reading. There were amendments to the original version of the Bill that were adopted by the House Fish and Game Committee, and by the House on Second Reading. These amendments do not substantially alter the original purpose or effect of House Bill 196, and the Board has acknowledged that these amendments were appropriate. The version of House Bill 196 that you have before you today is ready for your consideration without further amendments.

House Bill 196 provides the regulatory board with the necessary authority and statutory guidelines to effectively protect the public health, welfare and safety from unethical and illegal outfitting. This authority is a cornerstone of the final recommendations of the Task Force, and is crucial to the balance struck between the sportsmen, landowners and outfitters under House Bill 195.

On behalf of the Board of Outfitters and the Department of Commerce, we respectfully request that this Committee issue a "do concur" recommendation to the full Senate. As the drafter of House Bill 196, I am available to answer any legal questions regarding the bill. Bud Solmonsson, the Executive Director for the regulatory board, is also here to answer any questions regarding the regulatory program.

Sincerely,

Lance L. Melton
Legal Counsel, Department of Commerce

**GOVERNOR'S ADVISORY COUNCIL
ON
PRIVATE LAND/PUBLIC WILDLIFE**



**RECOMMENDATIONS
TO
GOVERNOR MARC RACICOT**

December 6, 1994

III. RECOMMENDATIONS FOR MAINTAINING A VIABLE HUNTING OUTFITTING INDUSTRY

In dealing with the issue of maintaining a viable hunting outfitting industry in Montana, the Private Land/Public Wildlife Advisory Council recognizes that solutions to hunting outfitting issues must provide, in part, answers to the other issues facing the council. It is important to emphasize that the Council's proposal is an interwoven package. The long-term result of the following recommendations will be better control of the growth of the hunting outfitting industry while simultaneously providing viability. The following recommendations also propose a funding mechanism for increased tangible benefits to landowners who allow reasonable hunting access. Increased access for non-outfitted hunters to private lands is thus provided.

•1) MANAGEMENT OF OUTFITTING AND RESOLUTION OF CONFLICT

R12

The Council recommends that the Board of Outfitters have authority to develop rules for review of new operating-area plans and expansions to existing operating-area plans to determine if the intended use would present an undue conflict with other uses of a particular area. This could allow the Board of Outfitters to tie a license to a specific geographical operating area and could provide for more effective management of outfitters to reduce outfitter/sportsperson conflicts. In addition, the Council recommends that the Board of Outfitters carefully review the criteria and requirements for licensing outfitters in order to stabilize the industry and to preserve public health, safety, morals, and welfare.

In order to maintain the total number of licensed outfitters at the 1994 level the Council urges the Legislature to impose a statutory moratorium on the number of outfitter licenses for no more than 5 years. This would be done to allow time to evaluate the impacts on the wildlife resource and public welfare as a result of creating a variable-priced outfitter client hunting license (see R-14 on page 14) and changing the outfitter licenses set-aside program. After the effective date of moratorium approval, the state will issue no additional outfitter licenses. Special criteria for the sale of outfitting businesses during the moratorium must be developed by the Montana Board of Outfitters.

•2) NONRESIDENT HUNTERS SPONSORED BY AN OUTFITTER FOR THE OUTFITTER SET-ASIDE LICENSE MUST HUNT BIG GAME WITH THAT OUTFITTER

R13

Current law states the nonresident hunter sponsored by a licensed outfitter for the outfitter set-aside drawing "must intend" to hunt with that outfitter. The Council recommends that Montana law (87-2-505, 87-2-510 AND 87-2-511) be amended to state that a nonresident hunter sponsored by a licensed outfitter must hunt big game with the licensed outfitter who certifies the nonresident for the set-aside drawing or hunt with a substitute licensed outfitter upon written approval of the Board of Outfitters. If the nonresident hunter chooses to hunt one of the big game species on his/her B-10 Combination Big Game License without the services of his/her

sponsoring outfitter, then that hunter must hunt with another licensed outfitter. Any special deer or elk permits or tags secured as a result of obtaining a nonresident combination license would be valid only if the hunter hunts with a licensed outfitter. In addition, the Council recommends that clients must hunt within the licensed outfitters' specific operating areas. (This provision would eliminate the possibility that a client could hunt some big game with a licensed outfitter and could also hunt big game in other areas of Montana in competition with the rest of the hunting public. It also ensures that hunters who utilize the outfitter set-aside pool enlist their sponsoring licensed outfitter's services or not hunt. However, nonresident hunters who do not want to limit their hunting opportunities to those provided by their licensed outfitter may choose to apply for a hunting license from the general license pool for nonresidents. A hunter with a license from the general license pool could book a licensed outfitter for one portion of a hunt and hunt independently for the other portion.)

3) VARIABLE-PRICED NONRESIDENT HUNTING OUTFITTER CLIENT LICENSES

The Council recommends that legislation be enacted to establish a variable-pricing structure for nonresident hunting outfitter sponsored Big Game Combination and Deer Combination licenses.

Structuring the licenses this way could accomplish the following:

- Maintain stability in the outfitting industry.
- Increase competition between outfitters, thus limiting growth in the industry.
- Provide money to fund public-hunting access while maintaining lower priced licenses for other nonresident hunters.
- Maintain the current level of outfitter clients.

Currently, hunters or outfitters submit applications for licenses. A computerized drawing determines who receives a license because there are more applications than licenses available. Outfitters therefore can not be certain each client booked will receive a license. Thus, the incentive is for outfitters to lobby to increase the number of licenses available as the primary means to stabilize or increase their business.

Under this proposal, nonresident hunters who book with an outfitter would be able to purchase a license during a limited time period each spring. The price of the licenses would vary based on demand, to ensure an average over a 5 year period of 5,600 Big Game Combination Licenses and 2,000 Deer Combination Licenses (fishing and upland gamebird license are included in each combination license).

4) **FUNDS GENERATED FROM VARIABLE-PRICED LICENSES WOULD BE USED FOR INCREASED PUBLIC ACCESS**

R15

The nonresident, outfitter-sponsored, and variably priced 5,600 Big Game Combination Licenses (or B-10 licenses), and the nonresident, variably priced outfitter-sponsored, 2,000 Deer Combination Licenses (or B-11 licenses), would create increased revenue by being sold at a higher price than the general nonresident licenses. General B10 licenses for nonresidents not booked with an outfitter would be left at the current price of \$475. General B-11 licenses would remain at \$245. The Council recommends that FWP develop a "Private Land/Public Wildlife" program for funds generated via variable-priced licenses. Increased revenues would be used to fund the landowner benefits portion of the enhanced Block Management Program and other recommendations. This "Private Land/Public Wildlife" program would be administered and implemented by FWP through the enhanced Block Management Program (see R1, Page 7).

EXHIBIT 13
DATE 3-9-95
HB 195

If the variable-priced B-10 license costs each outfitted client an additional \$150, and if all 5,600 licenses are sold, there would be \$840,000 generated for the program that provides tangible benefits to landowners who allow public-hunting access. If the variable-priced B-11 license costs each outfitted client an additional \$150, and if all 2,000 licenses are sold, there would be \$300,000 generated.

The goal for this enhancement to Block Management is to add an estimated additional 2 million acres of private land to the Block Management program.

5) **REDUCE NUMBERS OF NONRESIDENT DEER/ELK COMBO LICENSES AND INCREASE NUMBER OF NONRESIDENT DEER LICENSES.**

R16

Reduce the nonresident outfitter set-aside B-10 Big Game Combination Licenses (deer/elk) from 5,600 to 5,500. The total nonresident Big Game Combination Licenses state-wide would still be 17,000. Increase the nonresident nonoutfitted B-10 Big Game Combination Licenses from 11,400 to 11,500.

Increase the number of B-11 nonresident Deer Combination (deer/fishing) Licenses set aside for outfitted clients by 300 (from 2,000 to 2,300). Increase the number of B-11 nonresident nonoutfitted Deer Combination by 300 (from 2,000 to 2,300). Landowner sponsored B-11 nonresident deer hunting licenses would remain at 2,000. Thus, the total number of nonresident deer licenses state-wide would increase from 6,000 to 6,600.

(Note: If this recommendation is approved, it would affect the numbers of variable-priced licenses accordingly that are shown in the previous recommendation, R-15).

•6) **INCREASE AUTHORITY, FUNDING & PERSONNEL FOR BOARD OF OUTFITTERS**

R17

The Council recommends that legislation be enacted to increase the authority, funding, and FTEs (Full-Time Equivalent Personnel) for the Board of Outfitters. For example, this increased authority would prevent circumvention of fines and provide board personnel legal powers to issue citations. The number of FTEs to be added would be 3.20. **Funding for the Board of Outfitters comes from fees charged to outfitters and guides and funding for this increase should be drawn from the same source.**

Senators,

My name is Michele Carroccia. I am here on behalf of the Sweet Grass Preservation Association and my own family. We appreciate the time, effort and compromise that have gone into HB 195. However, we have several points of concern:

Section 10, item 3 limits the number of licenses any landowner can sponsor to 10. A good number of us who use those licenses are on family ranches. It will work quite an economic hardship on us to be cut back to 10 licenses. We depend on hunting income to supplement the cattle business, and to help make it possible for two of our sons to come back to the ranch to make it their home also. We have made every effort to work with resident hunters, whom we allow to hunt at no charge. We are careful to restrict the number of hunters in any one day so that optimum hunting is available, and to do our best to prevent hunting accidents. Many ranches in the state operate the way we do and are equally dependent upon hunting as a source of supplemental income.

The monetary problem appears to be addressed by the block management of the Fish, Wildlife and Parks with the payment of variable fees to ranchers participating in their program. The choice between economic hardship and "selling out" to the Fish, Wildlife and Parks isn't much of a choice! In fact, it appears to be a governmental takings for the FWP to "manage" private land for hunting under this kind of duress. To reduce those of us who want no part of Fish, Wildlife and Parks management of our land to 10 licenses seems punitive at best.

For this Legislature, which has begun such a commendable job of protecting private property rights, this seems to be a step backwards. To satisfy recreational hunters at the expense of the partial livelihood of landowners is a badly misplaced value system. Therefore, I am requesting that, before this bill leaves the committee, you strike the limit on landowner sponsored licenses available to each landowner or, at the very least, that you substantially increase the number of licenses available to each.

Thank you for your consideration.

MY NAME IS TACK VAN CLEVE, AND MY FAMILY HAS BEEN RANCHING ON THE SAME OUTFIT NEAR BIG TIMBER FOR 113 YEARS. NEVER, EVER, HAVE WE CHARGED ANYONE - IN-STATE OR OUT - FOR THE PRIVILEGE OF HUNTING ON OUR 22,000 ACRES.

SO WHY AM I HERE TESTIFYING IF THIS BILL DOESN'T AFFECT ME? BECAUSE IT DOES AFFECT ME! SOME ELEMENTS OF THIS BILL CONTRIBUTE TO THE EROSION OF PROPERTY RIGHTS.

FISH, WILDLIFE AND PARKS WANTS TO CONTROL, THROUGH THE ISSUING OF LICENSES AND THE PROVISIONS OF THIS BILL, JUST WHO WILL HUNT IN THIS STATE. THIS IS DISCRIMINATORY. THEY SAY THAT THE GAME THAT GRAZES ON PRIVATE LAND DOES NOT BELONG TO THE LANDOWNER WHOSE FEED IT CONSUMES: HOW THEN CAN THEY MAINTAIN THAT THE GAME THAT RANGES IN MONTANA BELONGS SOLELY TO THE STATE, AND NOT TO THE UNITED STATES AS A WHOLE?

IF I WERE AN OUT- OF- STATE HUNTER, I THINK I MIGHT CHALLENGE MONTANA'S POSITION AS UNCONSTITUTIONAL. IF YOU CAN DENY HUNTING PRIVILEGES BASED ON RESIDENCE, WHY NOT BASED ON COLOR OR RELIGION, OR MARITAL STATUS?

YET, THE FISH, WILDLIFE & PARKS WOULD DENY THE LANDOWNER-OUTFITTER, THROUGH SECTION 10, subsection 3, lines 1 & 2, THE SAME RIGHT TO SAY HOW MANY HUNTERS - OF WHATEVER STRIPE - HE CAN TAKE OUT ON HIS OWN LAND FOR A FEE. WHEN WILL THEY TRY TO EXTEND THIS SAME AUTHORITY OVER THE NON-OUTFITTING RANCHER WHO MAY PREFER OUT-OF-STATE HUNTERS OVER THE LOCAL VARIETY?

CONSIDER - EVERY POUND OF GAME TAKEN, IS AN EQUAL AMOUNT OF COMMERCIALLY-PRODUCED MEAT NOT BOUGHT. AND IN THIS ERA OF 75¢ CALVES, MANY PRODUCERS MAY HAVE TO TURN TO OTHER MEANS TO REMAIN VIABLE OPERATIONS. FOR SOME THIS WILL MEAN TURNING TO FEE HUNTING, AND THEY MUST HAVE EVERY OPTION IN THAT REGARD OPEN TO THEM. I URGE YOU STRONGLY TO DELETE SECTION 10, SUBSECTION 3, LINES 1 & 2.

FINALLY, IN SECTION 3, SUBSECTION (2), LINE 22, THERE ARE THE WORDS "RESTRICT PUBLIC RECREATION". THIS IS A HUNTING ACCESS BILL, AND THE SUBJECT OF PUBLIC RECREATION DOES NOT BELONG HERE. TO MENTION IT IS TO RISK OPENING A HUGE CAN OF WORMS, AND TO CREATE A NEW AND ACRIMONIOUS DEBATE ON THE SUBJECT. THIS BILL IS INTENDED TO FOSTER GOOD RELATIONS BETWEEN HUNTERS AND LANDOWNERS: THE SUBJECT OF PUBLIC RECREATION WILL ONLY MUDDY THE WATERS AND CREATE ILL FEELING. THEREFOR, I STRONGLY URGE YOU TO DELETE THE WORDS "restrict public recreation" FROM SECTION 3, SUBSECTION (2), LINE 22.

FURTHER IN SECTION 3, IT NEEDS CLARIFICATION THAT THE "PUBLIC ACCESS" BEING SPOKEN OF, REFERS TO PUBLIC HUNTING ACCESS. IN SECTION (5), LINE 8, it should read "providing public hunting access". IN THE SAME SUBSECTION, LINE 16 or SUB-SUBSECTION (e) "access provided to adjacent public lands" SHOULD BE DELETED ENTIRELY. IT REFERS TO A WHOLE DIFFERENT SUBJECT THAN PROVIDING HUNTING ACCESS TO PRIVATE LANDS, AND WHETHER OR NOT A LANDOWNER CHOOSES TO GRANT ACCESS TO PUBLIC LANDS THROUGH HIS PRIVATE LAND, SHOULD HAVE NO BEARING ON HIS "BENEFITS" FROM FISH, WILDLIFE & PARKS. I STRONGLY URGE YOU TO DELETE SECTION 3, SUBSECTION (5), LINE 16.

Thank you!

Tack Van Cleve
Box 530
Big Timber MT 59011

July 11, 1994

SENATE FISH AND GAME
EXHIBIT NO. 16
DATE 3/09/95
BILL NO. SLB 195

RE: "Governor's Advisory Council on Private Land/Public Wildlife Draft Recommendations for Public Comment" 6/17/94 ,

In response to the request for public comment on the above mentioned Draft, I offer the following.

Hunting Enhancement Program

What a misnomer this title is! It should be called the Landowners/Outfitters Enrichment Program, or How to Make the Sportsmen/Women Pay for Programs that the Taxpayers Won't. The landowners are receiving benefits from the Department of Fish Wildlife and Parks that are questionable now. (See Appendix Pages 19-21.) Now, the outfitters (a large percentage of which are landowners) want to get in on the "Benefits".

- (b) This means that **ALL** landowners will benefit because **exceptions** will be made.
- (c) How many landowners make \$2,500 after their **expenses** are deducted? Items 1 through 8 add insult in injury. Will all these credits be taxable?

2) Develop Block Management Program Enhancement

This just means more money for the landowners.

3) Develop an "Advanced Hunter" Certification Program

Why don't they just state that ALL hunters are slobs?!

4) Encourage the creation of more walk-in hunting areas

This is a duplication of Block Management, it is not *similar* it is the **same**.

5) Ensure more Equitable Distribution of "Landowner Sponsor" licenses by Limiting the Number a Single Landowner Can Sponsor.

Great idea. I am surprised the council had one. Is an outfitters license required? Ten non-resident hunters is more than some outfitters have as clients. Why not make the limit just 2?

II RECOMMENDATIONS FOR IMPROVING HABITAT PROTECTION

1) TECHNICAL ASSISTANCE TO LANDOWNERS

Are landowners really this stupid? How have they managed this far without such technical assistance?

2) LAND MANAGEMENT AND PROTECTION PROJECTS (HP 526)

Leasing is not an effective tool. When the DFW&P paid \$20,300 for an easement on 5.8 acres that a rancher leased from the State for a mere \$308 for 540 acres and the Grady Ranch \$50,000 per year per lease. **Outright Purchase** - Check out the Rogers' property that the DFW&P bought and then gave 25 years free grazing; the Page-Whitham-Brewer ranch deal. Sweetheart deals in the guise of hunter access?!

Consolidating Isolated Parcels of State Lands:

Equal or higher value would have to result. When State land is appraised at \$100 per acre and land to be traded is appraised at \$500 per acre, you will always get a *good* deal for the State.

3) EDUCATION AND OUTREACH EFFORTS

A) **CONSERVATION SPECIALIST** - in addition to the technical assistance program? **Over kill!**

C) **LANDOWNER RECOGNITION PROGRAM** - Another handout!

I was not aware that the DFW&P had any I&E officers. They have not informed the legislators, general public, or the Advisory Council where their funding comes from. The truth is it all comes from the Sportsmen/Women, not the landowners or the taxpayers.

III RECOMMENDATIONS FOR MAINTAINING A VIABLE HUNTING-OUTFITTING INDUSTRY

The Council is really concerned about the outfitters. Recommending variable priced B-10 and B-11 license fees, eliminating computer drawings, legislative funding for the Board of Outfitters, and to top it off, to double B-10 licenses **ONLY IF** their six previous proposals are met. The increased revenue would be used to benefit landowners. Who else!? Couldn't it be used to reimburse the DFW&P for all the additional requirements that the Council has loaded on?

IV PROGRAM FUNDING

- 1a) The Council wants to give 800 landowners \$2,500 each - total: \$2 million plus
- b) Additional tangible benefits; Cost - unknown
- c) Walk-in areas; Cost - unknown
- d) Technical Assistance; Cost - unknown
- e) Land Management and Protection Projects; Cost - unknown
- f) Education and Outreach Efforts; Cost - unknown
- g) Viable Outfitting Industry; Cost - unknown
- h) Benefits Currently Available; Cost - unknown
- i) Monetary Compensation for Damage; etc., etc., etc., etc., etc.
- 2) I believe the Council may be short \$4 or \$5 million when these costs are all added up. The Council's solution to raise revenue for all of their recommendations (?) is to basically raise license fees.
- 3) Why didn't the council recommend recreational taxes on private land that charges fee hunting or is leased to outfitters or a landowner uses his land for his own outfitting business?

July 11, 1994
Page Three

EXHIBIT 16
DATE 3-9-95
X HB 195

It is obvious to me that the members of the Council did not even read the Appendix on benefits currently available to the landowners. They are probably not aware of the Fish and Wildlife divisions contributions to the Parks division. Manpower and, no doubt, funds are utilized not only for the Parks division but for the Department of Livestock, the Department of State Lands, landowners, and probably other State agencies. Now the Council is recommending that the DFW&P provide more funding and manpower to do the work that other State agencies should be doing, and all for the benefit of the landowner. This must be a misuse and abuse of the Fish and Wildlife Division's monies and manpower!

The Governor's Advisory Council has drafted a landowners/outfitters Welfare Plan. All under the guise of optimum hunter access. No mention of more access to State lands or benefits to sportsmen, women. They made no mention of those that fish but don't hunt. I guess the high priced private lands access is only for the hunting season. But, they recommended spending DFW&P funds. I did not add Parks because this division is not sufficiently funded by the Legislature to provide any funding. The taxpayers want parks but don't want to pay the price. That is why this division was added to the Department of Fish and Wildlife.

All the sportsmen/women of Montana will wind up getting (besides the shaft) is the additional requirement to possess an "Advanced Hunter Certification, Hunter Ethics Class, and high-high-higher license fees. No taxpayer monies fund the DFW, just sportsmen/women. I, for one, am getting damn tired of the misuse and abuse of **OUR** monies!

Thank you for this opportunity to comment on the "Governor's Advisory Council on Private land/Public Wildlife Draft Recommendations. I hope that these comments will help in the redrafting of these recommendations.

Sincerely,

Ron Bennett
1801 16th Avenue South
Great Falls, MT 59405

TESTIMONY ON HOUSE BILL 195

My name is Gary Sturm, and I am the President of the Prickly Pear Sportsmen's Association.

Today, however, I am testifying only as a Montana hunter. While I respect the hard work expended by the member of the Private Land/Public Wildlife advisory committee, I have many reservations regarding the proposals developed by this committee and contained in this proposed legislation.

First, I believe these proposals were based on several faulty assumptions included in House Joint Resolution 24. Among the worst is the assumption that relationships between Montana agricultural landowners and Montana sportsmen had deteriorated to an unacceptable degree. I disagree. I believe that the vast majority of agricultural landowners and sportsmen are satisfied with the things the way they are now. Sure, there are hunters who will not be happy until they can hunt anywhere and in anyway they please, just like there are agricultural landowners who will not be happy until they receive compensation for every blade of grass consumed on their land by wildlife. So be it. However, this should not mean that we change the whole scheme of things to please these few malcontents. Hunting on private property is a privilege that most of us sportsmen are perfectly willing to earn. There are special cases where it is to everybody best interests for the Department of Fish, Wildlife, and Parks to act as a go between and the existing Block Management Program appears to be an excellent way of handling these cases. However, we are only fooling ourselves if we think there is enough money for this program to be expanded to include all the private land presently open to non-fee hunting.

I am extremely concerned about the so-called market pricing of the non-resident outfitted elk combo license. My guess is that unless the price is increased to several thousand dollars, we will see a drastic increase in non-resident hunters. If this happens, you can be sure that there will be a constitutional initiative movement to take away from the legislature the ability to set the number of available non-residents. *license*.

I also do not understand how increasing the number of non-resident big game hunters by ³⁰⁰~~500~~ will increase opportunities for resident hunters. It is my observation that in most cases where a parcel of land that used to be open to hunting by Montana hunters is closed, the primary reason for that closure has been to reserve the game on the land for non-residents willing to pay for the privilege of hunting in an area where it is easier for them to kill an animal. How is putting ³⁰⁰~~500~~ more hunters in the field going to reduce this problem. It isn't, and if you think it is, well you know something the rest of us don't.

I realize this bill is probably going to pass. I also realize once passed this bill is going to drastically change the way we Montanan think of each other and how we think of the sport of hunting. In my opinion, these changes will not be good. I urge each of you to take another look at this bill, and really think about possible consequences of some of the proposals. Thank you for allowing me to express these comments.



SENATE FISH AND GAME
EXHIBIT NO. 18
DATE 3/09/95
BILL NO. 212 195

TO: SENATE FISH AND GAME COMMITTEE

SUBJECT: HB195

DATE: MARCH 9, 1995

My name is Dean Harmon. My wife and I have raised our family on our farm near Bainville. Part of our survival in agriculture has been the development of a hunting business on our own land. This has been worked on and improved for over twenty years. It has become a very important part of our operation.

The largest obstacle in achieving complete stability in our hunting business is the uncertainty of obtaining sufficient non-resident deer licenses year after year.

As a landowner sponsor, I can tell you HB195 would ruin our business if you pass it in its present form. To restrict a landowner sponsor to ten certificates is unfair. Other groups are not restricted in the same manner.

A compliment is due to those who labored honestly and impartially to craft this bill to help solve landowner - sportsman differences. These solutions should not come at the expense of those of us who have worked equally as hard and honest in creating new family businesses in our state.

Because I cannot amend this bill to correct the injustices the landowner sponsors will suffer, there is no choice but to urge a do not pass.

A handwritten signature in cursive script, reading "Dean Harmon". The ink is dark and the handwriting is fluid, with a large initial 'D'.

Dean Harmon

DATE 3/09/95

BILL NO. 2213 195

To: Senate Fish & Game Committee
Re: HB 195
9 March, 1995

From: Ira Andrews
Box 372
Biddle, MT 59314
(406) 427-5421

Mr. Chairman, Honorable Senators:

I am Ira Andrews, ranch manager for Andrews Livestock Limited, Powder River County. We operate on 8000 acres deeded, 3000 leased. I am a life-long sovereign citizen of our sovereign state, just as you are. I am not a Philadelphia lawyer, so some things in HB 195 might be missed.

HB 195 has some problems for us. It enlarges the power of a state agency, operating in direct competition with private business, taking money from one group to give to another, and charging different rates for different people. "Take from those who have, according to their ability; and give to those who have not, according to their need," is from Karl Marx. He would be happy with HB 195.

Governor Racicot has stated goals of improving our business climate and increasing tourism. HB 195 brutally violates these goals. Increasing hunter fees and issuing fewer licenses will not bring in more people to spend money in Montana. BLOCK GRANT MANAGEMENT to supply FREE hunting in competition with outfitters and landowners' FEE hunters should not be allowed. Equal treatment under the law should be insisted on. Don't kill our golden goose!

If the outfitters and sponsors are abusing their rights, prosecute the abusers instead of punishing the whole industry.

If the 6000 out of state buck deer licenses were added to, say another thousand could be sold, 500 each for outfitters and sponsors, at \$250 each. Make a separate license for elk, as is done for antelope. Restore the 1000 antelope licenses taken away last year, which cost a documented loss to Powder River County people alone, of over \$1,000,000.00.

Stop unlimited doe slaughter. Kill coyotes, mountain lions and other predators, so there will be game to hunt. Little fawns grow up to be big bucks.

Landowner sponsors could be limited to, say 5 licenses per section of land ownership, or one group of 5 for one week of the five week season. If you think the above limit is reasonable, how about limiting the Colonial Inn to 80% of capacity? What about K*Mart? Limit how many can come in the door? How about Fish & Game selling elk tags that are 25% or less filled?

Please get the state out of the land and hunter management business. Private business can do it better. Why try making big game hunting a kings-only sport? Ten licenses at \$100 each is better than two licenses at \$500 each. Let us build Montana industry and tourism, not trash it.

I oppose the provisions of HB 195.

Ira Andrews

Open letter to Governor Racicot

At a Farm Bureau Convention, we applauded your goals for State government, as a candidate for governor. Last November, we applauded your accomplishments of shrinking the size and cost of State government, working to lower property taxes, improve private business climate, and increase tourism.

HB 195, which is to be debated by the Senate Fish and Game Committee on 9 March at 3 pm, forcibly violates these goals. HB 195 does not provide equal treatment under the law for our sovereign citizens.

"Take from those who have, according to their ability to give, and give to those who have not, according to their need," is from Karl Marx. Free enterprise indicates a state agency may offer X number of licenses available for out of state people (to landowner sponsor, outfitters and open drawing purposes), but cannot dictate what we may charge for access or services (if anything), and must charge an equal fee for each license.

The present 6000 buck deer (out of state \$250) licenses should be increased another thousand, split between sponsors and outfitters. This will increase tourism and add modest millions to our economy.

The loss of one thousand antelope permits in 1994 had a documented one million dollar loss in Powder River County alone. If HB 195 passes, it will cost well over one million dollars.

We have game and an out of state market for it. We should not allow the Fish & Game to close down fee hunting to provide, in direct competition, "free" hunting. Fish & Game should not be in the land business, but should be killing coyotes, mountain lions, and other predators, and helping increase game availability.

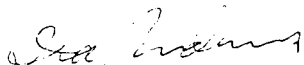
If sponsors and outfitters are violating game laws, prosecute them, but don't kill our golden goose.

F & G sell four times the elk permits as are filled, Why complain to private people with a 95% tag fill rate?

At our state Farm Bureau convention, you joined us in our pledge of allegiance to our flag and to the republic for which it stands . . . with liberty and justice for all.

HB 195 is not just. Please help us bury it, or amend it to reverse the thinking it contains (of more money through scarcity) to one of more money through abundance and greater use of resources.

Sincerely,



Ira Andrews
p o box 372
Biddle, MT 59314



SENATE FISH AND GAME
ENROLL NO. 20
DATE 3/29/95
DAL NO. HB 196

Governor

PHILIP E. BATT

March 9, 1995

Chairman

DALE BAIRD
Middleton

Chairman Mesaros
Committee Members
Senate Fish & Game Committee

Members

JOHN A.K. BARKER
Lewiston

Dear Chairman Mesaros and Committee Members:

LEO CRANE
Orofino

My name is Dean Sangrey, Executive Director of the Idaho Outfitters & Guides Licensing Board.

DIANA HAYNES
Cascade

I have come here today to add our support for House Bill 196.

TOM KOVALICKY
Grangeville

Idaho has gone through many of the same issues that your state is experiencing now. It is commendable that you recognize the need to adequately address these critical problems facing your regulatory licensing board. Idaho faced many of these same outfitting and guiding concerns back in the late 1980's and has since realized very positive benefits as a result of similar legislation.

Executive Director
DEAN SANGREY

We have found it is essential and very helpful being able to work closely with our neighbors in Montana and Wyoming in addressing similar regulatory issues. I'm aware that Wyoming has also recently passed similar legislation giving their licensing board more authority and additional resources to perform their mandate.

*Supervisor,
Education and
Law Enforcement*

WILLIAM G. VETESY

I urge you to pass this legislation, thus giving the Montana Board of Outfitters the necessary means to effectively regulate this important public oriented industry.

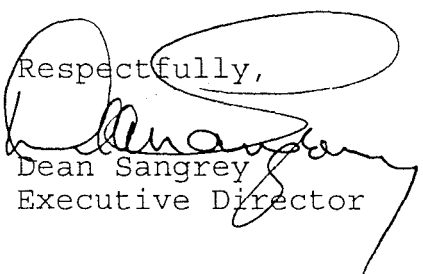
Office Address
1365 N. Orchard,
Suite 172
Boise, Idaho
83706
(208) 327-7380

Fax
(208) 327-7382
Enforcement
(208) 327-7167

Toll Free Enforcement
1-800-506-5656

Thank you for your time and consideration in this very important matter.

Respectfully,


Dean Sangrey
Executive Director

Senate Fish and Game Committee
Hearing H B 196

Mr Chairman and Committee Members

My name is Todd Klick . I am hear today to voice my support for H B 196. I represent the K bar L Ranch, The Klick family and Dale Neal , a long time guide who could not be hear today.

H B 196 has been needed for many years. The public lands and the resources within will be the losers if this bill is not passed. The Outfitting industry as whole and its integrity into Montana s future will suffer if this bill is not passed. If we wait one more legislative session it will be too late. This bill is not just a companion bill for H B 195.

This bill brings definition to The Outfitting Industry along with controls and regulations. These are items which have been absent until this opportunity today. The enforcement capabilities of this bill are also needed as no other agencies want the full time duty. This bill will however give guidelines to the enforcement depts of the National Forest, and Dept Fish, Wildlife and Parks. The three agencies will be able to better cordinate there efforts.

Those that are opposed to this bill , must be operating on the outside of there legitamate operations plan as this bill does not effect the honest legal operators.

In closing I cannot stress enough how important this bill is to the Outfitting Industry. Thank You

Todd Klick K Bar L Ranch
Box 287
Augusta , Mont. 59410

House Bill No. 196

March 9, 1995

Testimony by Pat Graham

Montana Fish, Wildlife & Parks

before the Senate Fish and Game Committee

Montana Fish, Wildlife & Parks offers support for the Board of Outfitter legislation, HB 196. The Board of Outfitters has evolved significantly since its creation in 1987 and has taken some major steps in increasing its ability to regulate the outfitting industry. Legislation in the last session created the executive director position for the board which we believe has increased the administrative capability of the board and made it more responsive to the public. We believe that HB 196 represents the continuation of this evolution and is in the best interest of the public.

FWP has worked closely with the board since its creation and have a representative on the board. Our law enforcement personnel have provided extensive support to the board in the investigation of outfitting violations and the board has provided funding to our Department to compensate for these efforts.

We believe that the proposed additions to the powers and duties of the board in Section 3, 5d(37-47-201) will allow the board to draft rules that provide a means of evaluating new or expanded landbased outfitting use based on conflicts with existing use is a necessary change. This has been supported by the Governor's Council on Private Lands/Public Wildlife and would be an important step in resolving conflicts between outfitted and non-outfitted hunters on public lands.

We support all of the proposed changes in the bill that will allow the board to more effectively deal with illegal outfitting and violations of the board statutes. We also support the inclusion of board investigators as ex-officio game wardens in Section 21. Ex-officio status will enable the investigators to conduct more adequate investigations and to issue citations for violations of fish, wildlife and parks statutes.

Thank you for the opportunity to testify today, and I urge your passage of HB 196.

Testimony for House Bill 196
Senate Fish and Game Committee
3 P.M. March 9, 1995

Mr. Chairman and Members of the Committee;

I am Bob Bird, private contract investigator for the Montana board of Outfitters. I reside in Helena. I am here to testify in support of HB 196. While I support HB 196 in its entirety, my comments today only address the provisions of sections 20 and 21.

Being a retired Montana Peace Officer, a contract position is substantially more beneficial for me than becoming a state employee. However, I believe it is more efficient and productive having these services provided by state employees.

As a contractor we are asked to enforce statutes and investigate violations without the basic legal authority to do so, particularly where unlicensed guides and outfitters are involved. Getting a simple vehicle registration can be difficult, often requiring the assistance of a peace officer.

Creating employee status for the investigator's positions and amending the Fish, Wildlife and Parks statutes to allow for appointment of qualified investigators as ex officio wardens would provide the necessary authority to work more effectively.

Passage of HB 196 will not create a new category of peace officers or require certification of investigators by the Montana Board of Crime Control. It will provide investigators much needed identity and credibility with bordering states, other State and Federal agencies, and law enforcement officers. This might also provide the opportunity for two-way radio communications in the field with other agencies and officers, enhancing efficiency and cooperation.

It will provide investigators with the authority to check hunting and fishing licenses or other identification of recreationalists in the field. Investigators could issue notices to appear for violations of the Fish Wildlife and Parks and Outfitter statutes.

I urge your passage of HB 196.

8 March 1995
Miles City, MT

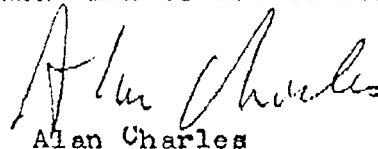
Ladies and Gentlemen:

I am sorry I am unable to present, in person, testimony concerning HB 195 at the Senate hearing. However, as chairman of the HJR Southeast Montana Local Group, I would like to convey local response as it has been received by other members of the group and myself.

There has been a great deal of interest expressed in the Hunting Access Enhancement Program, with a number of landowners asking how they can sign up. As you know, Block Management has already proven a boon to this region, and the HEP promises to fill some of the holes in the existing Block Management Program. We've had hunters express a willingness to pay higher license fees if that money would be guaranteed to fund a program like HEP.

Another item that has drawn much support is the recommendation to limit landowner sponsor licenses to ten. Many ranchers have said that five would be more appropriate, allowing more people to use them. I was recently asked to address a gathering of landowners at a landowner appreciation banquet honoring those who had participated in Block Management. At this banquet, the subject of HB 195, and particularly, landowner sponsor tags, drew quite a bit of comment, with the overwhelming majority supporting the proposed limit on those licenses. What negative comment we, as a council, have received has come from those landowners who are using these tags to support a part-time outfitting industry, and we do not feel that that was the intent of the landowner sponsor tags. We strongly support the notion that these special set-aside tags were to be used as a tangible benefit for landowners to have friends or relatives from out-of-state come hunt with them on their farms and ranches.

I hope that HB 195 holds together in its current form. I really feel that if one part is pulled out or amended, then it will come apart at the seams. It does not provide all the answers. But it is, indeed, a compromise package, with something of value in it for all interested parties. Montana will be better for its passing.



Alan Charles

Fax to: Dwight Guynn, DFW&P, Helena

SENATE FISH AND GAME
EXHIBIT NO. 25
DATE 3/09/95
BILL NO. HB 195

March 8, 1995

The Honorable Ken Mesaros, Chairman
Senate Fish and Game Committee
Capitol Station
Helena, Mt 59630

Dear Senator Mesaros:

I am Vice president of our family ranch corporation and a 4th generation rancher on the Rosebud Creek south of Forsyth. We have always been believers in free public access to our properties and have participated in the Block Management Program since the fall of 1988. Our land has never been closed to public hunting.

For the past year and a half I served on the Southeastern Montana Private Land Public Wildlife Committee. It was hard, time-consuming work and an open mind had to be kept at all times. Landowners, sportsmen, outfitters and recreationists all served on our committee. H. B. 195 is the result of this committee's, as well as other committees efforts, throughout the state, and the council based in Helena.

H. B. 195 is the product of compromise. The issues were very delicate, complicated and intertwined. Many public hearings were conducted throughout the state. Public comment was taken into account and was vital in writing the final draft. Every issue that was agreed upon by the group was by consensus. If one person disagreed, that issue was not sent on to the council.

The issue of landowner sponsored tags was brought to our attention. It seemed some landowners who wanted two or three couldn't acquire them. Further inquiry revealed that some landowners were applying for as many as one hundred twenty tags, and getting sixty five. Landowners who wanted two or three were told that since there was no limit on the number of tags that an individual could acquire but that there was a limit on the total available tags, that they were out of luck. It was learned that the intent of these tags was for a non-resident family member who could come home to Montana and hunt. It was felt by the committee that the use of tags was being abused, and that limiting these tags to ten per landowner, was fair. Public comment ranged from abolishing the landowner-sponsored tags completely, to expanding their availability. We felt that a limit of ten was a reasonable compromise. A landowner can still use these tags for outfitting, as long as the hunts take place on the sponsor's private ground. The southeast committee felt that the

limit of ten would result in a more even distribution of these tags and more individual landowners would benefit.

In conclusion, I personally feel that it is very unfortunate that some individuals, suddenly at this late hour, have objections to the limiting of tags. Where were they when the statewide public hearings were being conducted? I feel that this is a last-ditch effort to derail a very good bill at the cost of personal gain. I strongly urge the passage of H. B. 195 without further amendments.

Sincerely,



Clint McRae
Rocker Six Cattle Co.
Forsyth, MT 59327

EXHIBIT NO. 26DATE 3/09BILL NO. HB 195

Patrick Dringman
914 Peosta
Helena, MT 59601

HOUSE BILL NO. 195
TESTIMONY BEFORE THE SENATE COMMITTEE ON FISH, WILDLIFE & PARKS
MARCH 9, 1995

Mr. Chairman, Senators, thank you for the opportunity to speak with you today. My name is Pat Dringman and I am here today on behalf of my father and my father-in-law, both of whom are private land owners.

I will be brief. I wish to address two points of concern in this proposed piece of legislation. First, I would direct your attention to Section 3, subpart (2), which reads:

Land is not eligible for inclusion in the hunting access enhancement program if outfitting or commercial hunting restricts **public recreation** or hunting opportunities.

My concern with this provision is the inclusion of the term "public recreation" in a bill that focuses on hunting access. Private land owners who wish to participate in the Hunter Access Enhancement Program may be discouraged from doing so by such language.

This language can be interpreted to mean that participation in the Hunter Access Enhancement Program not only provides hunters with access, but provides for "public recreation" as well. Public recreation is not defined in this proposed bill nor could I find it defined elsewhere in the code. Does "public recreation" include hikers, mountain bikers, cross-country skiers, snowmobilers, motorcyclists, etc...? The confusing nature of this term, its overbreadth, and its general inapplicability to the hunter access bill shows good cause why it should be stricken from this proposed legislation.

More importantly, I am concerned with Section 10, subpart (3), which reads, in relevant part:

A resident sponsor of a Class B-11 license may submit no more than 10 certificates of sponsorship in any license year.

I would suggest that this provision is inappropriate for several reasons.

First, it is an arbitrary restriction that does not take into account the size, location or wildlife habitat of the landowner's property. This bill allows an individual who owns 640 acres to submit as many certificates as a landowner with 10,000, 20,000, or 100,000 acres. Nor does the maximum of 10 per landowner take into account the quality of the hunting habitat. Thus, a landowner whose hayfields and pastures support a dozen deer and a landowner whose hayfields and pastures support hundreds of deer are both

entitled to submit 10 certificates. Such a result is completely grossly unfair.

Second, an arbitrary numbers restriction is unnecessary. The market will sufficiently control landowner sponsor numbers. If a landowner has sufficient land of such quality to maintain a large number of deer, hunters will want to hunt on his or her land. Landowners with less deeded land or land with lesser quality habitat will support fewer deer. As such, fewer individuals will desire to hunt on such property. Setting arbitrary limits is unnecessary.

Third, rather than "equalizing the distribution of resident sponsor certificates throughout the state" such an arbitrary number will do just the opposite. Instead of equally and fairly proportioning certificates, this provision is discriminatory. These licenses will be ill distributed throughout the state; small farms with poor hunting habitat and large ranches with excellent hunting habitat will both be entitled to submit only 10 certificates.

Finally, if the 10 certificate per sponsor language is stricken, the total number of Class B-11 licenses allocated for this purpose remains in tact. However, these 2000 licenses would be distributed in a manner which more fairly and accurately represented game population.

I urge this committee to amend HB 195 by striking any references to "public recreation" and by striking the 10 submission per landowner provision.

Thank you for your time and attention.

Dear Mr. Mesaros,

I am writing in regard to House Bill 195. I want it known that I am very much opposed to the line that would restrict land owners sponsors to a maximum of 10 certificates of Sponsorship.

How dare you tell us landowners that you want to take a vital part of our livelihood and put that kind of restriction on us. The hunters we bring in, besides helping us financially, also bring a lot of money into the community. They patronize our restaurant, bars, grocery stores, and process their game locally. And most shop for ~~Montana made arts & crafts~~ Montana made arts & crafts.

I believe that this is just a ploy to try and make us open our land to the general public, locals, etc. We will not be forced this way! If it comes down to it we personally would prefer to post our land and keep all hunters out.

House Bill 195 is an outrage! I hope that you will listen to those of us that this Bill would directly affect. We already have enough restrictions put on us, we don't need this one!

Sincerely

Daniel & Rhonda
Bergall

SENATE FISH AND GAME

EVENT NO. 28

DATE 3/09

BILL NO. HB 195


March 5, 1995

Larry Cox
P.O. Box 925
Forsyth, MT 59327

Dear Senator,

I am a Landowner Sponsor and I am opposed to House
Bill 195. Please vote against this bill.

Sincerely,



Larry J. Cox

SENATE FISH AND GAME

EXPLAN NO. 29

DATE 3/69

BILL NO. ha 195

FRED AND KAY TABER
HC 56 BOX 40
RYEGATE, MT 59074

SENATOR KEN MESAROS
CAPITOL STATION
HELENA, MT 59620

DEAR SENATOR MESAROS:

Having just become aware of HB195, I am writing to voice my **opposition** to the portion of that bill which would restrict landowner sponsors to a maximum of ten (10) non-resident hunters per year. I would certainly like to see this portion removed from the bill.

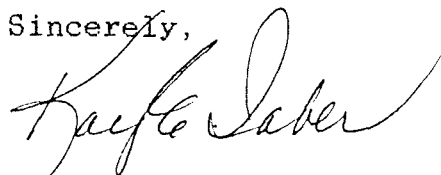
Not knowing the reasoning behind this provision or where it originated, I am having trouble finding a justifiable purpose from any point of view. There are some of us with more than ten non-resident friends and relatives who have come repeatedly for a number of years, are willing to pay the large fee charged by the state of Montana to hunt here, who will be affected by this limitation and simply will not be able to come.

And, should this measure pass, it puts the **state** in a position of **controlling** the ability of those landowners who are using landowner sponsorship to supplement a sagging livestock income by **restricting** their access to additional income and **free enterprise**. The state already has control in the issuance of licenses and this will create additional restrictions. Are outfitters also being limited to a maximum of ten clients as well?

Landowner sponsored permits are currently limited in number and issued on a first come, first served basis. If the purpose of this provision is to distribute numbers more equitably among applicants (or landowners), a random computer drawing should eliminate any complaints in that regard.

We would like to see a number of changes made in the hunting application regulations, but this one appears to be quite negative in nature from our point of view. We would prefer seeing a situation where landowners are guaranteed a specific number of permits and the applicants know they will be able to hunt and can plan accordingly. A limit of ten is not a good idea from a fiscal standpoint for the state.

Sincerely,



Fred and Kay Taber

Kenneth Mesaros
State Capitol
Helena, Mont. 59620

Dear Sir,

As a land owner I must appose House Bill 195 , If this doesn't get ammended, I am going to preduct some big problems for Fish & Wildlife. We own a lot of land and this isn't fair to try to limit us to 10 land owner permits, when the sky is the limit for the Outfitter. It isn't the Outfitter that owns the land that he guides on , as a rule.

We don't like Block Management and we don't like Outfitters, and feel that if we are limited to 10 landowner permits this is very unfair, and will be forced to close our land to hunting.

I wish to thank you for taking time to read this letter, and ask that you please vote against House Bill 195.

Sincerely,

Jo Ann Brewer



SENATE FISH AND GAME
EXHIBIT NO. 31
DATE 3/09
BILL NO. hb 195

Wilson Richards
Hilt Edge Rt.
Lewistown, Mt 59457
March 4 - 1995

Attention - Mr. Ken Mesdick
Chairman of Fish & Game Committee

Dear Sir:

As a landowner sponsor, I am in opposition
to HB 195. I am requesting this bill to be
amended by removing the restrictive line
which would allow us only 10 certificates
each. Thank you for your consideration
Sincerely -
Wilson Richards

SENATE FISH AND GAME

EXHIBIT NO. 32

DATE 3/6/9

BILL NO. HB 195

Steve Brewer
Brewer Ranch Hunting
Rte. 2, Box 5027
Forsyth, Montana 59327

March 1, 1995

Montana Fish, Wildlife and Parks
Senate Fish and Game Committee
1420 East 6th Avenue
Helena, Montana 59620-0701

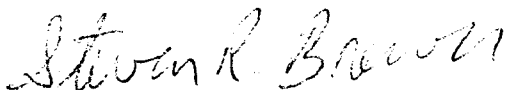
Attention: Senate Committee Chairman

House Bill HB195 that passed in the House will be heard on March 9th by your Senate Committee. Please consider amending the bill by removing the restrictive line that allows landowner sponsors only ten certificates each.

For those of us that have made a business of, and depend on fee hunting on our own land, this bill in its current form will be devastating to our business.

Please take the time to consider this request carefully. Thank you.

Sincerely,



Steve Brewer
Landowner

5/5/95

Baker. mt
03.06.95

SENATE FISH AND GAME
ESTIMATED NO. 33
DATE 2/67
BILL NO. hb 195

Senate Fish & Game Committee
Capitol Station
Helena. Mt.

Dear Sirs:

I hope you can amend HB # 195
to strike the provision on limiting
Landowner Sponsor applications.

The Landowner Sponsor program
is a great way to control game
and promote landowner cooperation.
Limiting participation by limiting
the number of applications per land
owner is not in the best interest of
all concerned. Thanks.

Sincerely,

Harry H. Shebus
Box 901
Baker mt 59313

SENATE FISH AND GAME

EXHIBIT NO. 34

March 8, 1995

DATE 3/09BILL NO. hb 195

Herb Bue, Jr.
Work Creek Cattle Ranch
P.O. Box 21
Reedpoint, Montana 59069
(406) 326-2204

Senate Fish and Game Committee
Capitol Station
Helena, Mt. 59620

Attention: Chairman Ken Mesaros

Dear Fish and Game Committee,

I'm writing in regards to HB195 on Landowner Sponsorship. As a rancher, and landowner sponsor, I strongly oppose this bill.

I feel this bill will hurt my business by limiting the number of certificates for sponsorship. Those of us who are in the business of land management, know the effects of what we are able to do with our private land. I feel that instead of limiting the sponsorship certifications they should be INCREASED instead of decreased. Over the last two years I have lost 1/3 of my prospective hunters because of the limit of the certifications now offered. I sponsor 12-15 hunters per year, and I am lucky if I can get certification for 7 -8 hunters. The private landowners knows the amount of hunting pressure that his property can stand and overall the increased numbers of clients will help the landowner, the Fish and Game commission, and the State of Montana for the revenue that will come in.

Instead of 2000 certifications per year, it should be increased to 3500 for the size of the state of Montana. This would not be a hardship on the private lands for a state of this size.

In reviewing this HB195 on March 9, please consider our views as private landowners in the State of Montana, as we are willing to work with the Fish and Game through sponsorship and game management for the good of all sportsmen.

Sincerely,

Herb Bue Jr.

Herb Bue, Jr

De Mars Ranch
P.O. Box 64
Winifred, MT. 59489

SENATE FISH AND GAME
ENVELOPE NO. 35
DATE 3/09
BILL NO. HB 195
MARCH 6, 1995

page 1

TO: SENATE FISH & GAME COMMISSION
CAPITAL STATION
HELENA, MT. 59620

IN REFERENCE OF HOUSE BILL 195; LIMITING LAND-
OWNER SPONSORSHIP CERTIFICATES;

DEAR SENATE COMMISSION:

We strongly oppose House Bill 195.
Through the past four years, we have been able
to grant hunters sponsorship certificates.

These hunters are selected carefully for they're
sportsmanship qualities, safety practices, and
respect for the land.

In doing so, we are able to regulate wildlife
populations which otherwise graze on our lands and
destroy our stored hay crops.

Diminishing these permits to ten, or placing

over →

Page 2

any number limiting they're use would be devastating to our operation. Such a bill would force us to seek other means of controlling these herds of WILDLIFE.

Sincerely,

DeMARS RANCH

Tom J DeMars

Albert J DeMars

SENATE FISH AND GAME

EXHIBIT NO. 36

DATE 3/09

BILL NO. hb 195

Box 91
Ekalaka, MT 59324
March 8, 1995

Senate Fish and Game Committee
Capitol Station
Helena, MT 59620

Dear Sirs:

I oppose HB195 because it restricts land owner sponsorship to ten. This restriction would cause the owner to lose potential income as well as deny the owner the right to manage and administer his own property.

Thank you for considering changing this bill.

Sincerely,

Annina Jardee

*Rec'd
4073
Jardee*

Roger Donferrell hb 195
 HC 62 Capitol RT.
 Capitol, MT. 59319

Dear Sirs:

As a landowner I feel Bill HB195
 in its present form is unacceptable.
 I think the landowner should have
 more input, and the landowner and
 the committee should work together
 for a more workable solution.
 Thank you.

Sincerely,

Roger Donferrell

March 6, 1995

SENATE FISH AND GAME

EXHIBIT NO. 38

DATE 3/09

BILL NO. HB 195

March 6, 1995

Mr. Kenneth Mesaros
State Capitol
Helena, MT. 59620

Dear Mr. Mesaros:

I am a rancher in the Miles City area. I am opposed to House Bill 195. I would like you to vote NO. It will take away our rights to private land. We need to be able to have as many hunters as we see fit to use our land and game population. We have too much State and Federal control now. We would appreciate your help in stopping House Bill 195 from passing.

Please vote NO on House Bill 195.

Sincerely,

Howard A Henderson

Tongue River Ranch Company
Howard A. Henderson, President

SENATE FISH AND GAME

EXHIBIT NO. 39

DATE 3/09

BILL NO. hd 195

NAME Dede Harner

ADDRESS Hc 58 Box 9 Bainville, Mo. 64212

HOME PHONE 269-2127 WORK PHONE 653-1590 ex 49

REPRESENTING Myself

APPEARING ON WHICH PROPOSAL? HB 195

DO YOU: SUPPORT _____ OPPOSE X AMEND _____

COMMENTS:

WITNESS STATEMENT

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

March 2, 1995 HB 195

Laco, MT 59261

Dear Mr. Mesaros,

I am writing in regard to HB 195 and am opposed to the line that would restrict landowner sponsors to a maximum of ten certificates of sponsorship.

In 1949 my husband had to quit school just out of the 8th grade to work on the family farm.

We have been married for 37 years and we (and our three children) have worked from before dawn until after dusk to become landowners.

Bringing in hunters on landowner sponsor certificates has been a real God send to us.

It has helped us financially as well as we have met some great people from several different states and have been able to visit a couple of them to learn about their business and way of life.

These out of state hunters bring a lot of income into Montana.

Our hunters all spend one night in Billings. They all eat 3 meals in Billings and spend many dollars at various stores from sporting good stores to the malls.

They bring a lot of business to our little town of Saco. They have most of their meat processed in Saco which is a big boost to our local butcher. They spend a lot on groceries locally and patronize the local cafe and bars.

If we are to be told how many hunters we can have on our private land, I think the grocer should only be allowed to sell so many groceries, the furniture store should only be allowed to sell so many yards of carpet, the restaurant should only be allowed to serve so many meals, etc. etc.

Please delete this particular sentence from HB 195.

Sincerely,

Anna Lou Bergtoll (Viv Leo)
Box 194 Saco, MT. 59261
(406) 674-5528

SENATE FISH AND GAME

EXHIBIT NO. 41

DATE 3/6/9

BILL NO. HB 195

3-5-95

Dear Sirs,

In reference to bill
HB 195—

I suppose the bill in
its current form. If I could
only get 100 ten certificates
of landowner permits I would
have to close up shop, as
we serve between 25 & 30 hunters

Sincerely
Don Nash
Box 50 Broadus Mont
59317

SENATE FISH AND GAME

EXHIBIT NO. 42

DATE 3/6/9

BILL NO. HB 195

Ted Browning
HC 67 Box 4
Mosby, Montana

59058-9702

Dear Sirs

Regarding HB 195
Limiting land owners to 10
would not work well for us.

Our family ranch is in
Block management through
Miles City.

We do not charge for hunting
and so far have not turned
any hunters away in state or
out of state.

For some time there has
been an abundance of game
so why make it hard for
the out of staters to get
a tag.

Sincerely

Ted Browning

406-554-3489

SENATE FISH AND GAME

EXHIBIT NO. 43

DATE 3/69

BILL NO. SB 195

Olive, Mt.

Mar. 6, 1995

Dear Sir

I wish to make my intentions known as opposed to reducing Landowner sponsorship licenses for out of state deer hunters.

I am a rancher in south-eastern Mt. and this matter is important to us as we have a vacant house eleven months out of the year, and hunting season is the only time we get any monetary value out of it.

These licenses should be increased if anything as we are on the brink of a deer population explosion beyond all expectations.

Sincerely
Sam Russell

March 2, 1995

Laco, MT 59261

Dear Mr. Mesaros,

I am writing in regard to HB 195 and am opposed to the line that would restrict landowner sponsors to a maximum of ten certificates of sponsorship.

In 1949 my husband had to quit school just out of the 8th grade to work on the family farm.

We have been married for 37 years and we (and our three children) have worked from before dawn until after dusk to become landowners.

Bringing in hunters on landowner sponsor certificates has been a real God send to us.

It has helped us financially as well as we have met some great people from several different states and have been able to visit a couple of them to learn about their business and way of life.

These out of state hunters bring a lot of income into Montana.

Our hunters all spend one night in Billings. They all eat 3 meals in Billings and spend many dollars at various stores from sporting good stores to the malls.

They bring a lot of business to our little town of Saco. They have most of their meat processed in Saco which is a big boost to our local butcher. They spend a lot on groceries locally and patronize the local cafe and bars.

If we are to be told how many hunters we can have on our private land, I think the grocer should only be allowed to sell so many groceries, the furniture store should only be allowed to sell so many yards of carpet, the restaurant should only be allowed to serve so many meals, etc. etc.

Please delete this particular sentence from HB 195.

Sincerely,

Anna Lou Bengtson (Mrs.)
Box 194 Saco, MT. 5926

SENATE FISH AND GAME

EXHIBIT NO. 45

DATE 2/09/95

BILL NO. HB 195

March 8, 1995

Herb Bue, Jr.
Work Creek Cattle Ranch
P.O. Box 21
Reedpoint, Montana 59069
(406) 326-2204

Senate Fish and Game Committee
Capitol Station
Helena, Mt. 59620

Attention: Chairman Ken Mesaros

Dear Fish and Game Committee,

I'm writing in regards to HB195 on Landowner Sponsorship. As a rancher, and landowner sponsor, I strongly oppose this bill.

I feel this bill will hurt my business by limiting the number of certificates for sponsorship. Those of us who are in the business of land management, know the effects of what we are able to do with our private land. I feel that instead of limiting the sponsorship certifications they should be INCREASED instead of decreased. Over the last two years I have lost 1/3 of my prospective hunters because of the limit of the certifications now offered. I sponsor 12-15 hunters per year, and I am lucky if I can get certification for 7 -8 hunters. The private landowners knows the amount of hunting pressure that his property can stand and overall the increased numbers of clients will help the landowner, the Fish and Game commission, and the State of Montana for the revenue that will come in.

Instead of 2000 certifications per year, it should be increased to 3500 for the size of the state of Montana. This would not be a hardship on the private lands for a state of this size.

In reviewing this HB195 on March 9, please consider our views as private landowners in the State of Montana, as we are willing to work with the Fish and Game through sponsorship and game management for the good of all sportsmen.

Sincerely,

Herb Bue Jr.

Herb Bue, Jr

Baker. mt
03.06.95

Senate Fish & Game Committee
Capitol Station
Helena. Mt.

Dear Sen.:

I hope you can amend HB #195
to strike the provision on limiting
Landowner Sponsor applications.

The Landowner Sponsor Program
is a great way to control game
and promote landowner cooperation.
Limiting participation by limiting
the number of applications per land
owner is not in the best interest of
all concerned. Thanks.

Sincerely,

Tracy H. Shibus
Box 901

De Mars RANCH
P.O. Box 64
Winifred, MT. 59489

EXHIBIT 45
DATE 3-9-95
HB 195

page 1

MARCH 6, 1995

TO: SENATE FISH & GAME COMMISSION
CAPITAL STATION
HELENA, MT. 59620

IN REFERENCE OF HOUSE BILL 195; LIMITING LAND-
OWNER SPONSORSHIP CERTIFICATES;

DEAR SENATE COMMISSION:

We strongly oppose House Bill 195.
Through the past four years, we have been able
to grant hunters sponsorship certificates.

These hunters are selected carefully for they're
sportsmanship qualities, safety practices, and
respect for the land.

In doing so, we are able to regulate wildlife
populations which otherwise graze on our lands and
destroy our stored hay crops.

Diminishing these permits to ten, or placing

over →

*Box 91
4070
Arvina*

Box 91
Ekalaka, MT 59324
March 8, 1995

Senate Fish and Game Committee
Capitol Station
Helena, MT 59620

Dear Sirs:

I oppose HB195 because it restricts land owner sponsorship to ten. This restriction would cause the owner to lose potential income as well as deny the owner the right to manage and administer his own property.

Thank you for considering changing this bill.

Sincerely,

Arvina Jardee

Roger Donfield
HC 62 Capitol RT.
Capitol, MT. 59319

EXHIBIT 45
DATE 3-9-95
X HB 195

Dear Sirs:

As a landowner I feel bill HB195
in its present form is unacceptable.
I think the landowner should have
more input, and the landowner and
the committee should work together
for a more workable solution.
Thank you.

Sincerely,

Roger Donfield

March 6, 1995

March 6, 1995

Mr. Kenneth Mesaros
State Capitol
Helena, MT. 59620

Dear Mr. Mesaros:

I am a rancher in the Miles City area. I am opposed to House Bill 195. I would like you to vote NO. It will take away our rights to private land. We need to be able to have as many hunters as we see fit to use our land and game population. We have too much State and Federal control now. We would appreciate your help in stopping House Bill 195 from passing.

Please vote NO on House Bill 195.

Sincerely,

Howard A Henderson

Tongue River Ranch Company
Howard A. Henderson, President

Dear Mr. Mesaros,

I am writing in regard to House Bill 195. I want it known that I am very much opposed to the line that would restrict land Owners sponsors to a maximum of 10 certificates of Sponsorship.

How dare you tell us landowners that you want to take a vital part of our livelihood and put that kind of restriction on us. The hunters we bring in, besides helping us financially, also bring a lot of money into the community. They patronize our restaurant, bars, grocery stores, and process their game locally. And most shop for ~~clothes or other~~ Montana made arts & crafts.

I believe that this is just a ploy to try and make us open our land to the general public, locals, etc. We will not be forced this way! If it comes down to it we personally would prefer to post our land and keep all hunters out.

House Bill 195 is an outrage! I hope that you will listen to those of us that this Bill would directly affect. We already have enough restrictions put on us, we don't need this one!

Sincerely

Daniel & Rhonda
Berghall

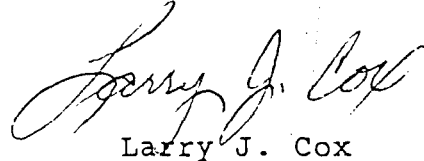
March 5, 1995

Larry Cox
P.O. Box 925
Forsyth, MT 59327

Dear Senator,

I am a Landowner Sponsor and I am opposed to House Bill 195. Please vote against this bill.

Sincerely,

A handwritten signature in cursive script that reads "Larry J. Cox". The signature is written in dark ink and is positioned above the printed name.

Larry J. Cox

EXHIBIT 45
DATE 3-9-95
HB 195

FRED AND KAY TABER
HC 56 BOX 40
RYEGATE, MT 59074

SENATOR KEN MESAROS
CAPITOL STATION
HELENA, MT 59620

DEAR SENATOR MESAROS:

Having just become aware of HB195, I am writing to voice my **opposition** to the portion of that bill which would restrict landowner sponsors to a maximum of ten (10) non-resident hunters per year. I would certainly like to see this portion removed from the bill.

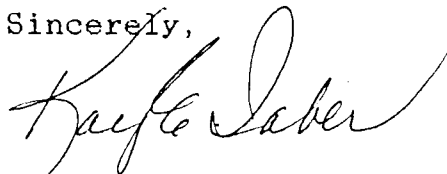
Not knowing the reasoning behind this provision or where it originated, I am having trouble finding a justifiable purpose from any point of view. There are some of us with more than ten non-resident friends and relatives who have come repeatedly for a number of years, are willing to pay the large fee charged by the state of Montana to hunt here, who will be affected by this limitation and simply will not be able to come.

And, should this measure pass, it puts the state in a position of **controlling** the ability of those landowners who are using landowner sponsorship to supplement a sagging livestock income by **restricting** their access to additional income and **free enterprise**. The state already has control in the issuance of licenses and this will create additional restrictions. Are outfitters also being limited to a maximum of ten clients as well?

Landowner sponsored permits are currently limited in number and issued on a first come, first served basis. If the purpose of this provision is to distribute numbers more equitably among applicants (or landowners), a random computer drawing should eliminate any complaints in that regard.

We would like to see a number of changes made in the hunting application regulations, but this one appears to be quite negative in nature from our point of view. We would prefer seeing a situation where landowners are guaranteed a specific number of permits and the applicants know they will be able to hunt and can plan accordingly. A limit of ten is not a good idea from a fiscal standpoint for the state.

Sincerely,



Fred and Kay Taber

Kenneth Mesaros
State Capitol
Helena, Mont. 59620

Dear Sir,

As a land owner I must appose House Bill 195 , If this doesn't get ammended, I am going to preduct some big problems for Fish & Wildlife. We own a lot of land and this isn't fair to try to limit us to 10 land owner permits, when the sky is the limit for the Outfitter. It isn't the Outfitter that owns the land that he guides on , as a rule.

We don't like Block Management and we don't like Outfitters, and feel that if we are limited o 10 landowner permits this is very unfair, and will be forced to close our land to hunting.

I wish to thank you for taking time to read this letter, and ask that you please vote against House Bill 195.

Sincerely,

Jo Ann Brewer

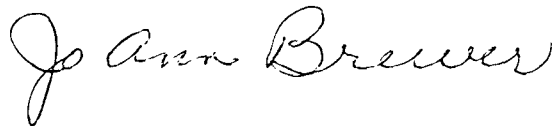
A handwritten signature in cursive script that reads "Jo Ann Brewer". The signature is written in dark ink and is positioned below the typed name.

EXHIBIT 45
DATE 3-9-95
HB 195

Wilson Richards
Hilt Edge Rt.
Lewistown, MT 59457
March 4 - 1995

Attention - Mr. Ken Mesdres
Chairman of Fish & Game Committee

Dear Sir:

As a landowner sponsor, I am in opposition
to HB 195. I am requesting this bill to be
amended by removing the restrictive line
which would allow us only 10 certificates
each. Thank you for your consideration
Sincerely,
Wilson Richards

Steve Brewer
Brewer Ranch Hunting
Rte. 2, Box 5027
Forsyth, Montana 59327

March 1, 1995

Montana Fish, Wildlife and Parks
Senate Fish and Game Committee
1420 East 6th Avenue
Helena, Montana 59620-0701

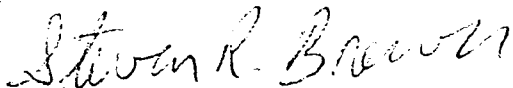
Attention: Senate Committee Chairman

House Bill HB195 that passed in the House will be heard on March 9th by your Senate Committee. Please consider amending the bill by removing the restrictive line that allows landowner sponsors only ten certificates each.

For those of us that have made a business of, and depend on fee hunting on our own land, this bill in its current form will be devastating to our business.

Please take the time to consider this request carefully. Thank you.

Sincerely,



Steve Brewer
Landowner

5/1/95

D. Brent Jones
Licensed Private Investigator
531 Broadway
Helena, Montana 59601
(406) 442-3786

To: Chairman Mesaros
Committee Members
Senate Fish and Game Committee

From: D. Brent Jones
Licensed Private Investigator

Re: House Bill 196

Date: March 9, 1995

My name is Brent Jones. I am a private investigator licensed by the State of Montana. I contract on an independent basis with the Department of Commerce to conduct investigations for the Montana Board of Outfitters. I feel that I am in a precarious position due to my status as an independent contractor. The investigations that I conduct require that I work with state and federal law enforcement agencies. I have had my credibility and loyalty questioned, and have been scrutinized with a rent-a-cop attitude by some agencies and individuals due to my status as an independent contractor. At present, I do not have the authority to enforce any laws which regulate the outfitting industry. My counterparts in Idaho and Wyoming, on the other hand, are employees and sworn law enforcement officers.

The outfitting industry in Montana continues to grow. Violations and non-compliance by licensed and unlicensed outfitters continue to escalate. I realize if this bill passes it could effect my contract with the Department of Commerce. I urge you, however, to pass this bill giving the Montana Board of Outfitters authority to enforce their own regulations and status as well as creating credibility for the Department.

DATE 3-9-95
 SENATE COMMITTEE ON Fish & Game
 BILLS BEING HEARD TODAY: HB 195 HB 196

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
ROBIN CUNNINGHAM	FISHING OUTFITTERS ASSOC. OF MONTANA	HB 195 HB 196	X	
Bob Bird	CITIZEN	HB 195 HB 196	X	
Erving 'Max' Chas-	Paul Coulter	HB 195 HB 196	X	
Windee Rigler	CITIZEN	"	X	
Sylvia HARMON	LANDOWNER SPONSOR			X
Dede Harmon	Landowner Sponsor			X
Paul Roos	Bd of Outfitters	195 196	X	
IRN ANDREWS	LANDOWNER	195		X
Wendy Lewis	Missia DeLoe			
Carle Rademacher	Privatized/PAW	195	X	
Don Bennett	Self	195		X
Steve Christensen	PL/PW Council	195	X	
Tom Younggren	Landowner	195	X	
Wimal C. Baucus	PL/PW Council	195	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: HP 196 & HB 195

< ■ >

PLEASE PRINT

< ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Sherry Cargill	self	195 196	✓ ✓	
John Cargill	self	195/196	✓	
John Hill	self	195/196	✓ with amendments	
Tom Hougen	self	195	✓ with change	
Jack Rich	self - MOGA	196	✓	
BUD S O MONSSON	Commerce	196	✓	
DEAN SANGREY	IDAHO OUTFITTERS & GUIDE BOARD	196	✓	
Larry Brown	As Pres. Assoc	195 196		X
Lorna Frank	MT. Farm Bureau	195		X
Gary Fritz	self	196	X	
Janet Ellis		195	X	
Deane W. Johnson	MOGA and 196	195	X	
LANCE MELTON	BOARD OF OUTFITTERS DEPARTMENT OF COMMERCE	195 196	X	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE _____

SENATE COMMITTEE ON _____

BILLS BEING HEARD TODAY: _____

< ■ > PLEASE PRINT < ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Steve H. Hirschbach	Self	HB 196 195		✓
MICHELE CARROCCIA	SELF & SCLPA	HB 195	Both ✓	
Paul Van Cleve	Self	HB 195	pro changes ✓	
Pat Dringman	" "	HB 195	pro changes ✓	
James Klein - Kleas La			✓	
Jim Richard	MT Wildlife Fed	HB 195	✓	
Larry Lammers	Self	HB 195		✓
E. MAYNARD SMITH	RANCH	HB 195	✓	
Gary Duffy	Self	196 HB 195	✓	
Kelly Flynn	PLPW Council	196 HB 195	✓	
JACK RICH	Self-MOGA	195	✓	
BUD SOLMONSSON	Commerce	195	✓	
DEAN SANGREY	IDaho OUTFIERS & GUIDE BOARD	195	✓	
Page C. Dringman	Self	195		✓

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

DATE 3-9

SENATE COMMITTEE ON Fish + Game

BILLS BEING HEARD TODAY: SB 195 / SB 196

< ■ >

PLEASE PRINT

< ■ >

Check One

Name	Representing	Bill No.	Support	Oppose
Glenn Mars	Gov. Racicot	195	X	
Pat Graham	FWP	195 196	X X	
John Bloomquist	Mt. Stockpiles	195	X u/amendments	
Gary Stuenkel	Myself & 3 Brittenics	195		X

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY