

Good afternoon Mr. Chairman and members of the committee –

My name is Kent Hanawalt, and I represent a ranch out of Livingston that has been in the family for over 100 years.

I am here as a proponent of House Bill 225 which will provide a measure of protection for the property rights of Montana landholders. This bill is of special interest to me because I have seen first hand the property rights of one neighbor taken away by another neighbor, and I see that the property rights of our ranch are in imminent danger. This bill directly addresses the issue.

In the situation to which I refer, a prominent celebrity was able to obtain an injunction against the Montana Board of Outfitters, based on the alleged “fear” of harm to themselves or their livestock from a limited number of supervised bow-hunters on adjoining private land. The plaintiff in the case controls some 6000 acres, and he secured an injunction in a Montana district court against guided hunting on a parcel of some 1800 acres that is a minimum of  $\frac{3}{4}$  of a mile from his ranch headquarters, in rugged foothill country. The next step is for him to enjoin our ability to allow hunting on our property that is much closer to his, and well within sight of his headquarters.

The threat of injury from a stray hunting bullet is miniscule; exponentially smaller than the risk of my being involved in an accident while driving to Helena to testify before you. The threat to property rights, however, grows exponentially whenever the law defers to those who would impose their will upon their neighbor.

This bill does not remove responsibility for any careless or negligent action; it merely clarifies that hunting on my land is protected – as long as the projectile does not leave my land. This bill is based on the principle that I can't be prevented from shooting on my land simply because there is a possibility -no matter how remote – that my projectile could cause damage to another.

People are moving to Montana every day, lured by the beauty and recreational opportunities of our state. I have personally experienced the wrath of a person who built a home across the road from a farm, and who then

objected to the noise and dust of farming. And now I have seen the response of a man who moved into prime hunting territory, and then objected to the hunting on his neighbor's land. As more homes are built in the suburban and rural areas of Montana, the potential escalates for objections to traditional activities such as farming and hunting. These immigrants chose to move to an area where hunting is an important industry; no real threat to them has been demonstrated, and their property rights have not been infringed. These same immigrants are likely to ask for protection of their property from the ravages of hungry deer and elk in winters to come.

There is no question that a bullet can be dangerous; most of us know of someone who has been shot. The real threat, however, seems to be for members of the *hunting party*, rather than for bystanders. I have never heard of a stray projectile causing damage away from the property on which it was fired.

Without the protection afforded by HB 225, our ranch is threatened with loss of income from hunting, and another tract of land can be closed to sportsmen. I ask for your vote for House Bill 225.

Thank you,



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