

EXHIBIT 8
DATE 3.15.05
SB 312

My name is Hugo Tureck. My family an I farm and ranch in central Montana near Coffee Creek. Our ranch is made up with a mixture of private property, state lands leases and and BLM leases. We allow public hunting and have participated in the Block Management Program since its inception. Not only have we found this program satisfactory but have met many hunters. Many of our hunters return each year and and we look forward to visiting as we have become good friends.

I am here today to testify against SB 312. This bill is contrary to the Montana tradition and will only further the gap and aggravate relations between landowner and sportsmen and sportswomen. Simply put this bill undermines everything that I have tried to accomplish in my relationships with hunters and others that simply want to enjoy the Montana landscape.

I believe that SB312 began as a very abrasive bill and as a slap to the face of hunters. Remember this bill only targets hunters. No other forms of trespass are addressed. It is for this reason that I see this bill as mean spirited, aimed only at hunters and simply one more form of harassment.

This bill has been amended back but the guts of the bill--the abrasive nature and severity is still there. You can amend this bill any you want but the intent of this bill will always be there. Sportsmen and sportswomen look at bills such as this and see it aimed directly at them even though they follow the rules.

I believe that most hunters follow the intent and restrictions of the current trespass law. I have found that they respectfully ask for permission and follow the rules. This is the Montana tradition. The current trespass law specifies a \$25 fine for the first offense. If there are further offenses by an individual, punishment is left to the discretion of the judge.

SB 312 takes away judicial discretion. It assumes that any subsequent trespass by an individual is willful and in a way malicious. It denies a judge or jury the ability to take into account extenuating circumstances. Let me give you examples using my ranch which is not unlike most other ranches.

As I pointed out earlier, our ranch is made up of private and public lands. Very often, these lands are not separated by fences but run in common. The public has a right to hunt public lands without permission as long as he has access. If a hunter accesses these public lands through a neighbor or public access such as a road there is nothing I can do. The problem is that very often, the private lands boundaries are poorly marked if marked at all. This combined with the reality that our ranch is spread out and in different parcels makes accidental or unintended trespass more likely. If this bill were to pass it should be accompanied by a bill that wold require landowners to clearly mark their boundaries every 100 yards. We as landowners not only have rights but also responsibilities.

Another possible case could involve a hunter who has previously paid the \$25 fine for trespassing on my private property without permission. Let us assume that this hunter is once again hunting the public lands and wounds a deer that crosses over on my private land. This hunter has to make a choice. He can say screw it and walk away to let the animal suffer and die later. If he is a ethical hunter, this is difficult to do. I have known hunters to search a full day looking for a wounded animal and in not finding this animal spending a great deal of time dealing with guilt. I actually had a hunter who could not find his wounded elk take his elk tag and tear it up saying that he was allowed one elk and he needed to assume responsibility.

