

Mrs. Chapman

Committee
Secretary
EXHIBIT 9
DATE 2/7/03
HB 510

Mr. Chairman and/ members of the Committee,

My name is Wes Krawczyk and I am representing myself today and I rise as a proponent of HB 510.

It was few years ago that I learned.....while hunting ..that crossing over a corner of private land to access public lands is unlawful. Through the years, many a hunter had a story to tell me about the "access problems" to public lands. Most hunters would like more public access to lands but are prevented by "criminal trespass" laws. Mr. Chairman and members of the committee, I have never viewed myself as a criminal for accessing public lands.

A few years ago, I have visited with a game warden or two about these rules and asked about how it got to be that way and how they handled this particular issue... From what I understand a game warden will issue a ticket for violations and leave it up to the county attorney to prosecute the alleged "criminal trespassers" or those who have allegedly "hunted without permission." Needless to say, many a hunter has had a difficult encounter with wardens when it came to crossing corners to access our public lands...with some admitting that they had not heard of the rule.

Recently, I had obtained a memo from FWP in reference to trespass laws. It was from Becky Price (I believe from the AG's office) to Bob Lane of FWP regarding this issue of crossing private property to access public lands. (Pass copies out) As I understand it - this is the Attorney General's opinion on this matter:

So the law of criminal trespass in this instance is really determined by the County Attorney who may or may not have time to prosecute the alleged infraction. In most cases, charges are not filed or that the game warden handled the occurrence as diplomatically as possible.

To the south of us, as recently, as last year, in Albany County Wyoming a hunter was ticketed for "trespassing for the purpose of hunting" and Mr Kearney the hunter challenged the ruling in Circuit court because he didn't believe he did anything wrong by hunting with a GPS and crossing at the corner section pins. The judge agreed with Mr Kearney and dismissed the charges *that he did anything wrong.* Many Montana hunters wonder what they are doing wrong in trying to access their public lands.

This bill is asking our representatives if we can have permission to access our public state and federal lands without being labeled criminals. The core issue of this bill is dropping criminal trespass sanctions for the public to access public lands where the corner sections of land intersect. It is a simple request. But I suspect that there are many others who disagree with my understanding of the bill. They may oppose the intent of HB510 for many reasons ...don't be lead astray by their arguments – this bill is asking you ...for your permission so that we may recreate on our public lands. “Crossing corner sections” is the only viable way for which the public may exercise their right to use some of the State and Federal public lands that otherwise would be locked up forever.

Administrative Rules – by FWP could **implement** the intent of HB510 on how access may be established. FWP personnel are out their in the field. They have admirably settled hundreds of complaints regarding access issues albeit not to **everyone's** liking. They are well experienced and trusted to handle the intent and implementation of HB510. As times change - FWP **Commission** could adjust the administrative rules as conditions may warrant...but with the passage of HB510 we will have been granted permission from the Legislature to access our public lands.

Mr. Chairman and members of the committee, I conclude with the words of our newly elected Governor in his State of the State address: “As for recreation, Nothing is more important to Montanans than their ability to access our public lands to hunt, fish and recreate, and nothing will be as central to my administration as protecting those rights and preserving our heritage.”

Thank You!