

Senate Fish & Game Committee Hearing 3/19/09  
HB190

Mr Vice-Chairman and members of the Senate Fish and Game Committee, my name is Hugo Tureck and I farm and ranch in the Coffee Creek area.

I believe my testimony important because I worked on HB190 and I wantto share with you my experiences.

This bill is unique in that it brought together the Montana Wildlife Federation, Trout Unlimited, Montana Association of Counties and five farm and ranch groups with Montana Fish, Wildlife and Parks. The five farm and ranch groups were comprised of the Montana Farmers Union, The Montana Cattlemen's Association, Montana Farm Bureau, The Northern Plains Resource Council and the Montana Stockgrowers Association.

I represented the Montana Cattlemen's Association at these meetings facilitated by FWP.

All of these organizations except for the Montana Stockgrowers Association have supported HB 190 and all except two (Northern Plains and the Stockgrowers Assoc) testified in favor of this legislation during the hearings conducted by the House Fish Wildlife and Parks Committee.

The Montana Stockgrowers wanted language on prescriptive bridges. The other members of this working group felt the issue was too complex to be addressed in HB 190. We felt that in trying to address prescriptive bridges we would weaken and potentially destroy what we felt was and is a good simple clean bill.

We believe the interests of sportsmen and sportswomen as well as all citizens that enjoy our rivers and streams and landowners are protected.

How will this bill protect those of us in agriculture --let me explain just a couple points:

1. If this legislation passes in its present form we in agriculture will for the first time have the legal right to attach our fences to county bridges for the purpose of restraining livestock.
2. This right will extend to all county bridges regardless of whether there is a live stream or not.
3. The bill offers legal, liability protection for a landowner from anybody getting hurt on these fences.

4. If Montana Fish Wildlife and Parks believes that a better point of entry than presently exists is needed, they will consult with the adjacent landowner on what type of entry would be best, provide the materials and construct the entry and finally maintain what they have built.

5. Finally and most important this bill protects private property rights.

It is inconceivable that the agricultural organizations that support this legislation would have done so in any way if there was even a hint that private property rights were threatened.

I can make just the opposite argument. This legislation grants those of us owning adjacent land a new private property right. That right simply stated is: We now have the legal right to attach our fences to county bridges.

Many of us in agriculture see HB 190 as historic. It represents for the first time in a long time a handshake with sportsmen, county government, and agricultural organizations. We found a way to come to the table to work together to find a common solution that benefits all.

My feeling is that as other issues come up we may successfully use this model.

I urge you to vote YES FOR HB190.

Thank you.

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