EXHIBIT 1
DATE 2/6/2015
HB 352

HB 352 – Rep. Tom Jacobson – House Natural Resources – Feb. 6, 2015

Jean Johnson, Montana Outfitters and Guides

Mr. Chairman, members of House Natural Resources.....

While we appreciate the sponsor's desire to solve some of the access issues related to hunting, HB 352 is not the right answer.

HB 352 is clearly punitive in nature:

- If the state land is not accessible to the public, it isn't accessible to the outfitter and nonresident hunters or anglers, either.
- A state land lessee cannot allow an outfitter to cross private land to access state trust land unless others are allowed as well. Violation of this prohibition warrants a $500 fine for each section of state land involved. And that includes outfitters who own the land that surrounds the state land section.

In 2014, there were 145 outfitters permitted to operate, primarily hunting services, on leased state lands. Other than the $2.00 for resident access, outfitters are the only ones who truly pay for the privilege of accessing these lands and serving primarily nonresident hunters on these lands.

That's a problem in itself as outfitters paid $136,135.28 to the school trust in 2014. While it's estimated that only about 1/3 of the total acreage would be affected by HB 352, that's $45,378.00. I don't know how much money the Wilsal Grade School realizes from the school trust, but I'd not like to tell my daughter who teaches there that a legislative bill seeks to diminish that amount – by even a little bit.

HB 352 raised other issues:

How can it possibly be enforced, given the fact that game wardens must have a reasonable cause to access that land – is there a game violation?

Page 1, line 22 – "not legally accessible" – What causes the "inaccessibility?" – federal road closure? Page 2, line 27 says "legally accessible" occurs from "adjacent federal ... land." Does HB 352 render that land unavailable to an outfitter because it is now "not legally accessible"? (page 1, line 22.)

If the lessee cannot permit an outfitter to use that parcel, can he lease it to others? Is he required to allow free public hunting under HB 352?

Finally, consider the fiscal note and see just how clearly HB 352 does not work. Having said that, the issue of access will remain and it deserves attention. Hopefully, bills related to enhancing the Block Management program that provides good access to private lands and often adjoining public lands will help solve that age-old problem.

Thank you.

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