

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

March 25, 1977

The twenty-third meeting of the Fish and Game Committee was called to order by Chairman Dunkle at 8:00 A.M., in Room 405 of the State Capitol Building.

ROLL CALL: All members were present, with the exception of Senator Warden, who was excused.

CONSIDERATION OF HB 635, an act to increase the amount of money deposited to the state parks account in the earmarked revenue fund from the gasoline dealers' license tax.

Mr. Ron Holliday of the Montana Department of Fish and Game testified in support of the bill, saying the funds are badly needed to keep the State Park system functioning at the present level. (Attachment #1).

Mr. Michael Koehnke, representing the Budget and Program Planning Division of the Governor's office, testified in support of the bill.

Mr. Earl Moritz, President of the Montana Highway Users' Federation, testified in opposition to the bill. He said his purpose in speaking was to point out to the committee the condition of the Montana highway road system and the damage of allowing diversion of highway funds. He said Montana roads are deteriorating rapidly, and there is a desperate need to upgrade, repair and improve the present highway system if we are to maintain our precious freedom of mobility. He also mentioned that many of our roads and streets were constructed decades ago and are dangerous, presenting hazards to life and property. (Attachment #2).

Chairman Dunkle opened the meeting to discussion. Mr. Koehnke explained how the budget is set for earmarked funds. He said no general funds are needed, but other funds are.

Representative Harrison Fagg, Chief Sponsor of the bill, spoke in its support. He said it would give the opportunity to keep parks open. He also suggested a user fee.

DISPOSITION OF HB 635: Senator Smith made a motion that HB 635 be tabled. The motion was seconded by Senator Manley. Chairman Dunkle called for a roll call vote. The vote passed, with Senators Galt and Lowe voting no.

CONSIDERATION OF HB 644, an act establishing a Montana State Golden Years Pass which will allow senior citizens to enter state parks and recreational areas for a nominal administrative fee.

Proposed amendments to the bill were presented and discussed. (Attachment #3).

Mr. Wes Woodgerd of the Montana Fish and Game Department said the bill was amended extensively in the House and, in fact, came out with one amendment which no one suggested or intended. He said that on page 9, line 9, the age for a person to be eligible to hunt birds and fish and a \$1 conservation license was inadvertently raised from 62 to 65. He mentioned he would hope the amended language could be taken out and be left as it has been for a number of years. (Attachment #4).

DISPOSITION OF HB 644: Senator Lowe made a motion that HB 644 BE CONCURRED IN AS AMENDED. The motion was seconded by Senator Smith. Senator Dunkle called for a roll call vote. The motion carried unanimously.

ADJOURNMENT: There being no further business to discuss, Chairman Dunkle adjourned the meeting at 9:10 A.M.



SENATOR FRANK DUNKLE, CHAIRMAN

## ROLL CALL

## FISH AND GAME COMMITTEE

45th LEGISLATIVE SESSION - - 1977

Date 3.2.5

DATE

COMMITTEE ON

## FISH AND GAME

BILL NO. 635

## VISITOR'S REGISTER

NAME: Earl Murphy

DATE: 3/29/77

ADDRESS: Helena Mont

PHONE: 542-2600

REPRESENTING WHOM? Highway Users

APPEARING ON WHICH PROPOSAL: 635

DO YOU: SUPPORT? \_\_\_\_\_ AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: Statement filed

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

# STANDING COMMITTEE REPORT

March 28, 1977

MR. PRESIDENT

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 644,

HOUSE

Bill No. 644,

Respectfully report as follows: That HOUSE Bill No. 644, third reading bill, be amended as follows:

1. Amend title, lines 6 and 7.

Following: "AMENDING"

Strike: "SECTIONS 26-202.1 AND"

Insert: "SECTION"

2. Amend page 1, section 1, line 11 through line 5 on page 14.

Following: line 10

Strike: section 1 in its entirety

Renumber: subsequent section

3. Amend page 14, section 2, line 8.

Following: "charges."

Insert: "(1)"

House Bill 644, continued  
Page Two

4. Amend page 14, section 2, lines 12 through 13 and 14.

Following: "except"

Strike: "that holders of the Montana state golden years pass" may not be required to pay these fees and charges"

Insert: "as provided in subsection (2)"

5. Amend page 14, section 2, line 18.

Following: line 17

Insert: "(2) Any Montana resident as defined in 26-202.3 who is 65 years of age or older may purchase a "Montana state golden years pass" for \$1 which, when attached to his or her vehicle, allows the passengers of that vehicle to camp free in Montana state parks, recreation areas, and fishing access sites. This pass is valid for the lifetime of the individual."

AND AS SO AMENDED, BE CONCURRED IN

   
SENATOR FRANK DUNKLE, CHAIRMAN

SENATE COMMITTEE FISH AND GAME

Date 3-25-77 Bill No. 644 Time 9:00

Sharon (Riskens) Smith  
Secretary

FRANK DUNKLE  
Chairman

Motion: Move to consider an amendment  
from - man  
Second - 2<sup>nd</sup>

(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE FISH AND GAME

Date 3-25-77 Bill No. 635 Time 8:10

Sharon (Riskens) Smith  
Secretary

FRANK DUNKLE  
Chairman

Motion: to table

Smith - now

January 25

(include enough information on motion--put with yellow copy of committee report.)

~~SECRET~~ ~~CONFIDENTIAL~~ ~~ALL INFORMATION CONTAINED~~

## Attachment #1

SECRET

January 10, '77 Testimony with regard to House Bill No. 635 amending Section 32-2601

R.C.M. 1947 of the gasoline tax law to provide 9/10 of 1% of all revenues to be deposited in the state park earmarked revenue fund for the operation, improvement and maintenance of State parks where motor boating is allowed--

Ron Holliday, Administrator, Recreation and Parks Division, Department of Fish and Game.

In 1965, the legislature transferred the state parks system from the Department of Highways to the Department of Fish and Game. At that time the state parks system was funded entirely by the general fund. Since that time, earmarked revenues, such as motorboat fuel tax, and earned revenues, such as overnight camping fees, have been added. Fish and Game has recognized the state park system as an important addition to the department and has striven to continually improve the system. Further, it has been expanded through legislative actions such as the Bicentennial Headwaters State Park <sup>WAYFARERS STATE PARK ON FLATHEAD LAKE</sup> ~~and~~ <sup>AND OTHERS.</sup> the Giant Springs State Park ~~at Great Falls.~~ Funding of the system from the traditional sources mentioned above, including the gas <sup>UNE</sup> tax, has never been adequate to properly operate and protect a modern state park system in Montana without leading the department into the position of diverting hunting and fishing earmarked monies. Indeed, this possible diversion is, as you <sup>probably</sup> know, very much in discussion at the moment.

The Office of Budget and Program Planning, <sup>AND OUR DEPARTMENT</sup> in order to make up the difference necessary to adequately maintain the park system out of legitimate revenues at the present level has recommended several alternate sources of fundings. Among them is an increase from .6% to .9% in the allotment of the gas tax to parks. This recommendation resulted in HB 635 and my testimony today concerns the rationale behind that requested increase.

*Gettysburg, PA 17325*  
REFER TO ITEM V, FUEL TAXES ALTERNATIVE NO. 1

STATE SURVEY OF MOTOR FUEL  
TAX ALLOCATIONS FOR RECREATION

SEPTEMBER, 1976

Montana Department of Fish and Game

Recreation and Parks Division

Requests for the recreation dollar from many diverse recreational groups appear to be increasing at a pace faster than the dollar itself is generated. One method that has been used by many states to partially offset the costs of providing recreation opportunities for the public has been with fuel taxes based directly on recreational use.

Presently, the only tax of this nature in Montana is based on motorboat fuel usage. In response to increasing demands for recreational facilities from many different user groups and the limitations of present funding sources, it was felt that some assessment should be made of the potential of additional sources of funds. The need for this assessment is also evidenced by recent legislative proposals for allocating revenues based upon snowmobile fuel usage in Montana. This survey of present fuel tax allocations nationwide was also undertaken in response to a recommendation to review existing legislation in other states contained in a 1974 report to the Recreation and Parks Division entitled "Snowmobiles and Off Road Vehicles in Montana; a review of literature" by W. C. Hollenbaugh.

METHODS

A simple one-page questionnaire and stamped, addressed return envelope were mailed to the State Liaison Officers (SLO's) for Outdoor Recreation of all 50 states and 5 territories early in September. It was assumed that they would be most knowledgeable about tax funds allocated to recreation in their respective states although in many states these allocations are not made through the SLO's Office.

Briefly, four questions were asked: "Is a portion of your state motor fuel tax allocated for recreational purposes?, Is it based on fuel usage and, if so, what kind?, What percent of the total fuel tax is it? and, How is the amount decided upon?" Also, 21 states were identified as "snowbelt" states where it might be expected that snowmobile fuel usage would be substantial. A second page was added to the questionnaire containing similar questions for the snowbelt states below:

Alaska	Maine	New Mexico	South Dakota
Arizona	Michigan	New York	Utah
California	Minnesota	North Dakota	Vermont
Colorado	Nevada	Oregon	Washington
Idaho	New Hampshire	Pennsylvania	Wisconsin
			Wyoming

# Fish and Game Department

## Subcommittee Recommendations

FY-78

FY-79

### Wildlife

FTE	222.47	223.05
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Revenue Source		
Licence Fees	\$4,194,204	\$4,295,347
Pittman-Robertson	<u>2,044,302</u>	<u>2,115,593</u>

Total Program	\$6,238,506	\$6,410,940
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Fish		
FTE	162.66	162.14

Revenue Source		
Licence Fees	\$2,929,066	\$3,075,144
Dingle Johnson	<u>1,052,817</u>	<u>1,092,062</u>

Total Program	\$3,981,883	\$4,167,206
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Parks		
FTE	100.87	99.33

Revenue Source		
Miscellaneous State Parks	\$ 180,000	\$ 180,000
Boat Gas Tax	338,000	368,000
Boat Registration	30,000	30,000
Motorcycle Registration	55,000	55,000
Licence Fees	342,169	364,615
Gas Tax	210,000	240,000
Boat Safety	40,000	40,000
2 & G VTRA	245,931	264,801
General Fund	<u>448,648</u>	<u>457,969</u>

Total Program	\$1,889,748	\$2,000,385
Other Funds	<u>1,441,100</u>	<u>1,542,416</u>
General Fund	<u>448,648</u>	<u>457,969</u>

Administration		
FTE	5.0	5.0

Revenue Source		
Licence Fees	\$148,375	\$154,872
Federal	<u>19,083</u>	<u>21,149</u>

Total Program	\$167,458	\$176,021
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FTE	491.0	489.52
Total Department	\$12,277,595	\$12,754,552
General Fund	<u>448,648</u>	<u>457,969</u>
Other	<u>11,828,947</u>	<u>12,296,583</u>

*Montana*

*Attachment #*

## HIGHWAY USERS' FEDERATION



Office of Secretary Treasurer - 1706 9th Avenue  
Telephone 442-2130

P. O. Box 4909  
HELENA, MONTANA 59601

My name is Earl Moritz, President of the Highway Users Federation for Montana.

My purpose for appearing before this committee is not to deny the Motor boats the right to collect their refunds, as they already can file for them on forms provided by the Department of Revenue. My purpose is to point out to this committee the condition of the Montana Highway Road System and the damage of allowing diversion of highway funds.

Montanas roads are deteriorating rapidly. There is a desperate need to upgrade, repair and improve our present highway system if we are to maintain our precious freedom of mobility. Many of our roads and streets were built decades ago and are dangerous, presenting hazards to life and property.

According to figures provided by the Montana Department of Highways there are 2,843 miles of primary and rural extension roadways that are in dire need of reconstruction. At todays cost, this would be approximately \$882,000,000. And this does not include Secondary Highway System. In addition there are 146 bridges that need replaced because of structural and width deficiencies.

Now if that doesn't scare you, let's consider the Interstate System. To date there are 109.458 miles of 4 lane interstate and 176.310 miles of 2 lanes to be added at an estimated cost of \$327,800,000 as of 1976 cost. This means that the total cost to meet todays needs at todays prices is approximately \$1.2 billion dollars.

Now, how much money does the Department of Highways actually have to work with? Last year the net gasoline taxes collected were \$36,510,469. For the next fiscal year there are several proposals to divert more money from this account

Attachment #3

Amendments to 26-202.1

1. Amend title, line 8  
Following: line 7  
Strike: "26-202.1 AND"  
Insert: "26-202.1 AND"
2. Amend page 1, sections 1, line 11  
Strike: section 1 in its entirety,  
renumber subsequent sections.
3. Amend page 14, section 2, line 8  
Following: "charges."  
Insert: " (1)"
4. Amend page 14, section 2, lines 12  
through 14  
Following: "except"  
Strike: " that holders of the "Montana  
state golden years pass" may  
not be required to pay the  
fees and charges."  
Insert: "as provided in subsection (2)"
5. Amend page 14, section 2, line 18  
Following: line 17  
Insert: " (2) Any Montana resident  
defined in 26-202.3 who is a  
of age or older and unmarried"

"Montana state golden pass, for \$1 which, when attached to his or her vehicle, allows the passengers of that vehicle to camp free in Montana state parks, recreation areas, and fishing access sites. This pass is valid for the lifetime of the individual."

*Attachment to 4*

Statement Requesting Amendments to HB 644  
Department of Fish & Game -- Wes Woodgerd, Consultant

This bill was amended extensively in the House and, in fact, came out with one amendment which no one suggested or intended.

On page 9, line 9, the age for a person to be eligible to hunt birds and fish for a \$1.00 conservation license was inadvertently raised from 62 to 65. I would hope the amended language here could be taken out and leave it as it has been for a number of years.

I would also like to suggest the other amendments on page 9 be lifted from here and reinserted on page 14. The situation here is an amendment in Title 26, the Fish & Game law, to allow persons over 65 to camp in state-administered parks and recreation areas on a golden years pass. This amendment rightfully belongs in Title 62, the State Parks laws, inasmuch as it refers only to camping privileges. If this were done, there would be no amendments left in Title 26 and 90% of the total bill could be eliminated. The only change in law would be included in the last paragraph (page 14, starting on line 6).

The present language with an amendment would become subsection (1) and the amendment brought over from page 9 would become subsection (2).

MINUTES

FISH AND GAME COMMITTEE

MONTANA STATE SENATE

March 28, 1977

The Fish and Game Committee of the Senate was called to order by Chairman Dunkle at 5:05 P.M., in Room 405 of the State Capitol Building.

Senator Galt was the only member present.

CONSIDERATION OF SENATE RESOLUTION 6, a resolution of the State of Montana urging that public lands not be closed by any blanket edict, but should be open to all forms of recreational use, including snowmobiles, unless closed for a specific reason on an individual area basis.

Senator Manley entered the meeting at 5:10 P.M.

Chairman Dunkle opened discussion on the resolution. Mr. Gene Spilde, representing agricultural interests, said he was neither a proponent or an opponent, but merely wanted to discern what the bill was intended to do.

Senator Dunkle explained that Senator McOmber, Chief Sponsor of the bill, indicated lands should not be closed on a blanket basis, but on an individual basis.

Senator Manley said he felt Senator McOmber's intent was to conserve fuel. Chairman Dunkle announced that the resolution has nothing to do with state lands.

Mr. Spilde said, after having the resolution explained, that he had no objections to it.

Senator Lensink enter the meeting at 5:15 P.M., and after hearing the discussion, said the resolution sounded excellent to him.

Because of a Democratic caucus, the committee did not have a quorum present and therefore no action was taken on the resolution.

ADJOURNMENT: Chairman Dunkle adjourned the meeting at 5:20 P.M.

  
SENATOR FRANK DUNKLE, CHAIRMAN