

MINUTES OF THE MEETING OF THE FISH AND GAME COMMITTEE
February 17, 1981

The meeting was called to order at 12:30 p.m. by Chairman Ellison. All committee members were present except Representative Bennett who was excused.

HOUSE BILL 582

Representative Kerry Keyser, sponsor of HB 582, said this bill will require the Department of Fish, Wildlife, and Parks (F, W, & P) to pay the costs of constructing, improving, and maintaining connecting roads between existing state highways and state parks.

Representative Keyser said he feels F, W, & P should help absorb costs involved with the upkeep of those connecting roads instead of having the Department of Highways pay all costs.

There were 2 proponents and 2 opponents who spoke on HB 582.

Proponents

Franklin Grosfield, a rancher from Sweetgrass County, said the F, W, & P should take care of some of the financial impact that they are causing, shifting some of the costs from the Department of Highways to the F, W, & P.

Peter Jackson, representing the Western Environmental Trade Association, spoke in support of HB 582. He said fairness and equality are two things we should have. He feels F, W, & P should pay the bill for expenses they generate.

Opponents

Mr. Jim Flynn, Director of F, W, & P, passed out copies of EXHIBIT 1 and went over that statement with the committee.

Jim Beckman, Department of Highways, said he shares the same concerns as Mr. Flynn. He is concerned with the interpretation and vagueness of the bill. Mr. Beckman said some parks are closed during the winter months and asked if the Department of Highways would have to plow the snow on those roads even if the parks are not open.

Mr. Beckman offered the following amendment:

Page 1, line 13.

Following: "maintain,"

Insert: "during periods when the state park is open,"

Questions were then heard from the committee.

Representative Mueller asked if this bill just addresses state parks or if fishing access sites are also included. Mr. Grosfield said it was the intention to cover fishing accesses.

Representative Robbins asked if the counties don't normally take care of these roads. Representative Keyser said that was correct. He added that the law doesn't do a thing - it is a law the counties ignore.

Representative Phillips asked if most of the funds for road maintenance come from fuel tax. Representative Keyser said almost all of the funds come from fuel tax. But, he added, the Department of Highways just doesn't have the money for maintaining all the secondary roads. Representative Phillips said the roads have to be maintained and that takes public money. It is just a matter of which agency to get the money from.

Representative Daily asked how the fishing accesses were selected. Mr. Flynn said it has been said the F, W, & P are purchasing these parks for the F, W, & P and not for the public. Mr. Flynn said these parks and fishing accesses are not a F, W, & P "kingdom". The roads are maintained for the people of Montana.

Mr. Ron Holliday, Administrator of the Recreation and Parks Division, said the field personnel can see where an access will be needed for a fishing stream. The landowner is contacted regarding purchase of the fishing access and then the proposal is taken before the Fish and Game Commission for concurrence. The site is then acquired.

Representative Ellison said every agency is accountable for the money spent so that the legislature knows who is spending what money. He asked if it didn't seem reasonable that even though the money might come out of the "same pocket" the expenditures should be shown as F, W, & P expenditures. Mr. Flynn agreed with that but said you have to look at where the revenue comes from.

Representative Keyser closed his presentation by saying this bill only addresses connecting roads between presently existing highways in state parks. If the F, W, & P purchases parks, they should be responsible for maintaining those roads.

Representative Keyser said as far as roads closed for the winter, the Department of Highways is not going to plow those roads if they are not used.

HOUSE BILL 719

Representative Gene Ernst, sponsor of HB 719, said he had this bill drafted upon requests from his constituency. He said in the rush to get this bill drafted, some items were left out and would have to be amended in.

Proponents

Ralph Rogers spoke in support of HB 719. He told the committee it is illegal to breed raptors because that is not included in the law. Mr. Rogers said this bill is an act of management technique.

Mr. Rogers said the problem lies with only being able to have three raptors at one time. The supporters of this bill would like to have a separate new section, 87-5-210.

Representative Ellison asked why the wording that refers to possessing more than three raptors isn't just taken out of the bill. Mr. Rogers said the maximum number of raptors possessed under the falconry law is three.

Russ Josephson, legal counsel for this committee, asked how one can distinguish a person who raises falcons from one who propagates falcons. Mr. Rogers said they are two separate things. A propagator has to, within 40 days of the time of the hatching of those birds, mark the birds with a band from the federal government.

Representative Ryan asked Mr. Rogers if he is training these birds to hunt. Mr. Rogers told Representative Ryan he does train the birds to hunt.

At this time the committee went into EXECUTIVE SESSION.

HOUSE BILL 582

Representative Mueller moved HB 582 DO NOT PASS. He made that motion because he feels this bill would create a bookkeepers nightmare. Representative Mueller said he feels this bill is loosely written. He also said he can't tell if this bill addresses fishing accesses or not.

Representative Hart agreed with Representative Mueller. She said the F, W, & P doesn't just pick a site for a road at random.

Representative Robbins also agreed with Representative Mueller.

Representative Ellison said this bill just addresses connecting roads. He told the committee that Ron Holliday had stated the F, W, & P is already maintaining those roads. All this bill would do is make F, W, & P responsible for the connecting roads on accesses.

Representative Mueller said if the F, W, & P is already doing that he doesn't see the necessity for this bill.

Representative Ryan told the committee the F, W, & P has put money into the county fund for some of the access roads in his county.

The motion was voted on and PASSED. All committee members voted "aye" except Representative Hart who voted "no".

HOUSE BILL 719

Representative Phillips made a motion to have Russ Josephson do some research on this bill and come up with a workable bill.

Representative Ryan made a substitute motion that HB 719 DO NOT PASS.

The substitute motion was voted on and PASSED. Representatives Mueller, Nilson, Hart, Jacobsen and Phillips voted "no" and the rest of the committee members present voted "aye".

HOUSE BILL 650

Representative Ryan moved HB 650 DO PASS.

Representative Devlin moved an amendment to HB 650 to strike everything pertaining to coal tax funds.

Representative Manuel told the committee he has heard the F, W, & P budget for many years and feels this bill should be killed. He said if the earmarked revenue funds were thrown into the general fund people would not be satisfied.

Representative Roush made a substitute motion that HB 650 DO NOT PASS. He said people who pay into the earmarked funds are proud their money is going back into the sport from which the revenue was collected.

The substitute motion was voted on and PASSED. Representatives Devlin, Feda, Ryan and Ellison voted "no". The other committee members present voted "aye". Representative Hart was excused at the time of voting.

HOUSE BILL 669

Representative Robbins moved HB 669 DO PASS.

Representative Phillips said there has to be an amendment to include an effective date.

Representative Roush said he thinks the bill has a lot of validity. He feels the general public should be accommodated.

Representative Devlin said the problem concerning the ranch owners is the length of the hunting seasons and said he doesn't think just one more day will make any difference.

Representative Jacobsen said there would be an advantage to school kids who will be able to start hunting one day earlier.

Representative Devlin said being as the F, W, & P has already worked on the hunting maps for 1981 and 1982, he would move an amendment to make the effective date January 1, 1983.

Representative Mueller said he hates to tie the hands of the Fish and Game Commission. He feels they are in a better position to make a decision from the public input they receive.

Representative Mueller made a substitute motion that HB 669 DO NOT PASS.

Representative Fedas said he agreed with Representative Mueller. The Fish and Game Commission hears more testimony from the public than this committee has heard.

Representative Daily said the majority of families do not spend enough time with their families and this bill might allow them to do so.

Representative Mueller's substitute motion of DO NOT PASS was voted on.

The motion FAILED. A roll call vote was taken. Representatives Devlin, Fedas, Hart, Mueller and Ryan voted "aye". Representatives Daily, Ellison, Jacobsen, Jensen, Manuel, Nilson, Phillips, Robbins and Roush voted "no". The other committee members were not present during voting.


A vote was then taken on Representative Devlin's motion to amend the bill to make an effective date of January 1, 1983.

The motion was voted on and PASSED. Representatives Daily and Jensen voted "no" and the other committee members present voted "aye".

Representative Feda moved HB 669 DO PASS AS AMENDED.

The motion was voted on and PASSED. Representatives Mueller, Ryan and Ellison voted "no" and the other committee members present voted "aye".

The meeting was adjourned at 2:00 p.m.



ORVAL ELLISON, Chairman

vml

PRESENTED BY: James W. Flynn, Director
Department of Fish, Wildlife and Parks

Before the House Fish and Game Committee
February 17, 1981

HB 582

Mr. Chairman, my name is James W. Flynn. I am Director of the Department of Fish, Wildlife and Parks. I am here today to speak in opposition to House Bill 582. This opposition is based upon two major concerns. The first is difficulty interpreting the bill as it is presently written and the second is the major costs to the Parks Division irrespective of what parameters are ultimately chosen.

In responding to the bill, I have assumed that the "state highways" referred to in the bill include interstate highways, primary highways and secondary highways even though the latter are usually maintained by county road departments. A different interpretation would drastically alter the "connecting roads" subject to the bill.

The "State Parks System" presently includes 287 sites. This "system" consists of 10 state parks, 61 state recreation areas, 18 state monuments, 1 state recreation road (approximately 35 miles long), and 197 fishing access sites. House Bill 582 speaks specifically of "state parks" and I have, therefore, made the assumption that the other 277 sites within the system are not subject to the bill. If this is an incorrect assumption, the impacts upon the Parks Division will be many times higher than is presently calculated.

In attempting to assess the impact, I have used State Department of Highways maintenance costs. These costs are calculated to be an additional \$70,155 per year for the coming biennium. The money would be used to maintain 6 miles of gravel road to Bannack State Park in Beaverhead County, 3 miles of paved road at Lewis and Clark Caverns State Park in Jefferson County, 5 miles of paved road at Lone Pine State Park in Flathead County, 1.5 miles of paved road at Giant Springs State Park in Cascade County, 4 miles of paved road and 2 miles of gravelled road to Lost Creek State Park in Deer Lodge County, and finally, 1.5 miles of paved road to Makoshika State Park in Dawson County.

The costs represent only routine maintenance. They do not include such things as the plowing of snow or heavy reconstruction. This raises another question of interpretation. Since these "connecting roads" represent city streets and public roads, which are shared by motorists other than recreationists, will the roads have to be maintained from park funds when the parks are closed? Indeed, should the roads be maintained using exclusively parks funds when the majority of the traffic on virtually all of them is non-recreationist traffic?

Finally, I must assume that general fund monies would be appropriated to cover these expenses. The Parks Division presently uses nine funding sources for its routine field operations. These include the general fund, a federal/private revenue account and six earned revenue sources which are earmarked for specific purposes. There will be conflicts with other statutes if these earned revenue sources are applied to the maintenance of public roads.

In conclusion, Mr. Chairman, it is my belief that it is more appropriate to use traditional public road funding sources for the purpose of maintaining public roads. It is a rare situation, indeed, where a highway or a county road serves exclusively the recreationists whose destination is a State Park System site. Finally, it should not be forgotten that the recreational motorists also pays fuel, property and income taxes in support of our public road system. I therefore respectfully urge that the Committee recommend that House Bill 582 do not pass. Thank you, Mr. Chairman.