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parks and monuments

## New law allows Montana residents free access to all 42 state parks

By JENNIFER McKEE  
Billings Gazette

HELENA – A long-running effort to “free Montana’s state parks” will bear fruit next month when entrance fees for all 42 state parks will be replaced for state residents with a voluntary \$4 surcharge on vehicle licenses.

“Parks were free for the first 200 years of our country’s history. It’s the concept of the public commons,” said Bob Raney of Livingston, volunteer director of the Montana State Parks Foundation. “As soon as you’re charged to go on it, just to walk upon it, it’s no longer a public commons.”

The change comes as part of Senate Bill 336, which passed with wide support in the 2003 Legislature. The bill ends the current \$5-a-car daily state park entrance fee and the \$30 yearly parks passport good for all state parks. It also cuts off \$275,000 from the state general fund that went to support state parks.

To offset the loss of those revenues, Montana motorists will have the option of paying \$4 extra to license their cars. That money will go directly to state parks, said Doug Monger, administrator of the Parks Division in the Department of Fish, Wildlife and Parks.

Beginning Jan. 1, all Montana residents will need to get into a state park free is a Montana license plate.

“That’s your entrance ticket,” Monger said.

Monger said he expects the new funding plan to bring in about \$750,000 in new money to the department, even accounting for the loss in general fund money.

“Currently, we serve about 1.6 million a year,” Monger said. “When state parks are free, we’re guessing that will double.”

All other fees at state parks will still apply. People will still have to pay to camp overnight, buy firewood or take guided tours.

Out-of-staters lacking a Montana license plate will still have to pay the \$5 daily fee, he said.

Because the \$4 licensing fee is voluntary, there is a chance the new plan will fail, Raney said.

But Raney, who as a former state legislator tried in vain for years to end entrance fees at state parks, said bringing back such fees may not be the answer.

It’s a myth that higher entrance fees mean more money for parks, Raney said. For one thing, it costs a lot of money just to pay the people who collect the fees. And it’s tempting for lawmakers to cut back on general support of parks based on the knowledge that

entrance fees make up the difference.

“The concept that only those who use them should pay for them quickly becomes only those who can pay for them use them,” he said.

Raney said he thinks parks should stay free. If the agency can't stay afloat with the \$4 car licensing surcharge, the Legislature should support the department with general tax revenue.

“I'm going to give them four bucks when I register my car,” he said. “You really do get a lot for it.”

Tuesday, December 2, 2003

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## Drivers confused over parks fee mix-up

By NICK GEVOCK, Chronicle Staff Writer

Voluntary fee or sneaky tax?

For Montana drivers, it all depends on your point of view of a new \$4 state Department of Fish, Wildlife and Parks fee tacked onto motor vehicle registrations.

"They are good at that -- hiding those taxes," said Bill McLain Monday, while waiting in line at the Gallatin County Courthouse to renew a motorcycle registration. "I've got five vehicles at home -- I'm not going to pay it."

Under a law approved last year by the Legislature, McLain can opt out of the fee that allows unlimited access to all the state parks. But in order to waive the fee, drivers have to fill out a form at the motor vehicle department saying they won't use the state parks or fishing accesses, which also get money from the fee.

And nowhere on the vehicle registration renewal card does it say the fee is optional. That lack of notice has some drivers calling it a veiled tax.

Others in line at the courthouse Monday, however, said it didn't grate them to pay the fee.

"It doesn't bother me; it goes for a good cause," Rock Brown said. "At least they tell you what it's for."

The fee landed in the spotlight last week when it was discovered that the state Department of Justice mistakenly left the \$4 and a 50 cent fee for veteran services out of January renewals.

DOJ asked county treasurers to mail back any renewal checks already received to drivers. At the same time, the department mailed out new renewal cards pointing out the error and asking people to add \$4.50 to their renewals.

But those, too, never say the fee is voluntary. The debate boils down to parsing words.

"It's not a voluntary fee," said Dean Roberts, DOJ Motor Vehicle Department administrator. "This may be legal semantics, but under statute it must be charged."

The law clearly states that everyone must pay the fee unless they opt out with the form.

The sponsor of the bill, Sen. Dale Mahlum, R-Missoula, said Monday he would only support the law if people had to option not to pay it. With the state parks budget hurting, some parks might have been shut down without a stable funding source, he said.

"It's not a deceitful bill or anything like that," Mahlum said. "Everybody in the Legislature knew the parks department was in pretty dire straits, and this would help them out."

However, Mahlum said he wanted notices that the fee is optional printed on the renewal cards, and posted in county courthouses.

The fee is good for the vehicle and not the driver. Therefore, a driver who only uses one vehicle to visit state parks can pay the fee once.

State officials estimated the fee would bring in \$1.5 million for state parks, and that estimate was on 50 percent of drivers not paying the fee.

In the past, an annual unlimited pass to the parks cost \$30. Mahlum said with so many people using the parks, he figured the \$4 fee was a pretty good deal.

But when the fee was proposed as a voluntary "opt in," FWP officials worried it wouldn't bring in enough money.

"The parks department didn't want to go with the 'opt in' because they feared there wouldn't be enough who would," Mahlum said. "So they went for the opt out."

Too clever

## **Monday Matters: Modern survival kit**

By Jeff Gibson for the Montana Standard - 02/02/2004

**"Opt out" is a device by which people are tricked out of money or rights.**

For example, the fraudulent "Privacy Act" passed by Congress some years back allows corporations to invade consumer privacy unless the consumer "opts out." A consumer's privacy, in other words, will not be respected unless he first fills out a form saying he does not want his private financial history shared. An honest privacy act, on the other hand, would automatically protect privacy unless the consumer "opted in" by signing a form permitting his privacy to be invaded.

On some college campuses, activist groups are allowed to collect fees from students automatically unless students sign a form saying they don't want to pay the fees. The fact that students even have the right to opt out, though, is not always made clearly known.

**The Standard's State Bureau has blown the whistle on the latest scam. This is an "opt out" gambit seen in a new Montana law that makes people pay an additional \$4 vehicle licensing fee for access to state parks and fishing sites. Fish, Wildlife and Parks gets the money.**

**Technically, motorists don't have to pay this fee. They can "opt out" by signing a form stating that they do not wish to pay the fee. However, this is inconvenient for motorists who re-register by mail, and there is no notice on the re-registration form that they even have such a right. In the interest of honesty, motorists should be informed up front that they need not pay this fee unless they choose to.**

**Furthermore, the fee applies to vehicles, not drivers. So a family with three cars pays triple what a family with one car pays, no matter how many family members ever use a fishing site.**

**This practice shouldn't go any further. Before you know it, panhandlers will assume a right to lift your wallet because you didn't tell them ahead of time that you'd rather they didn't.**

## Reader's Digest Legislative History of SB 336 - the \$4 Parks Fee bill

The bill passed the Senate as introduced without amendment.

\$ 4 fee per light vehicle registration for state parks program.

Must pay fee or provide a written election to OPT OUT of the fee.

Bill approved by Senate Fish and Game Committee 10-0.

Bill approved by the Senate 28-22.

The House Fish and Game Committee amended the bill to provide;

That the registrant had to OPT IN to pay the \$4 parks fee. - Rep. Wagman.

That the bill also applied to fishing accesses. - Rep. Gutsche.

That \$0.50 of the \$4 went to fishing access site maintenance (weeds) and \$0.25 went to maintain Virginia City and Nevada City specifically. -Rep. Clark.

Bill approved by House Fish and Game Committee 14-6.

Bill approved by the House 90-10.

The Senate rejected the House amendments 50-0 because the DFWP objected - mostly to the OPT IN provision. It was anticipated that the revenue would be insufficient.

Conference Committee - Sens. Mahlum ch., Sprague, and Shea. Reps. Brueggeman v.c., Lange, Golie.

Changed the bill back to must OPT OUT.

Reduced the House \$0.50 fee for fishing accesses to \$0.25

So, the final version was \$4 per vehicle with \$3.50 going to parks, \$0.25 to fishing access maintenance and \$0.25 to Virginia City and Nevada City.

House vote 79-20

Senate vote 35-14

FWP made it clear that this was intended to be a no pain, simple optional method to generate funds for the parks program. The department had no intention to enforce for non payment although that could be an additional charge for violations of a more serious nature (e.g. vandalism, etc.).

Side bar -

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SB 244 Chapter 507 was Senator Story's bill that exempted certain water user association contract holders who pay O&M on certain state reservoirs from paying state parks day use fees. This applied to Cooney Reservoir, Tongue River Reservoir and Lake Elmo. This bill passed. However, any special treatment for these individuals was rendered moot by passage of SB 336. Coordination clause in SB 244 made SB 244 void if SB 336 passed.

**61-3-321. Registration fees of vehicles -- certain vehicles exempt from registration fees -- disposition of fees.** (1) Except as otherwise provided in this section, registration fees must be paid upon registration or, if applicable, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:.....

*subsections omitted*

(10) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(11) (a) **Unless a person exercises the option in subsection (11)(b)**, an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).

(b) A person who registers a light vehicle or truck under 8,001 pounds GVW **may, at the time of annual registration, certify** that the **person does not intend** to use state parks and fishing access sites and may make a **written election not to pay** the additional \$4 fee provided for in subsection (11)(a). If a written election is made, the fee may not be collected.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
58th LEGISLATURE - REGULAR SESSION

CONFERENCE COMMITTEE ON HOUSE AMENDMENTS TO SENATE BILL 336

Call to Order: By CHAIRMAN DALE MAHLUM, on April 22, 2003 at  
9:00 A.M., in Room 335 Capitol.

ROLL CALL

**Members Present:**

Sen. Dale Mahlum, Chairman (R)  
Rep. John Brueggeman, Vice-Chairman (R)  
Sen. Mike Sprague (R)  
Sen. Debbie Shea (D)  
Rep. Michael Lange (R)  
Rep. George Golie (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Doug Sternberg, Legislative Branch  
Mari Prewett, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing & Date Posted: SB 336, 4/18/2003  
Executive Action:



**Motion:** REP. GOLIE moved that AMENDMENT SB033606.ads BE ADOPTED.

**Discussion:**

Doug Sternberg, Legislative Services, explained the amendment, attached as Exhibit 1, and its impact on the bill.

EXHIBIT(cch85sb0336a01)

SEN. SPRAGUE pointed out that the bill had not gotten out of the House without amendments. He went on to ask if they came to a compromise in the Conference Committee if the bill could be gotten through the House. REP. BRUEGGEMAN commented that he felt the problem had been with the Fish and Game. He went on to say that he felt the bill would pass on the floor of the House.

SEN. SPRAGUE and SEN. LANGE discussed the failure of a similar bill, its fiscal impact, SB 336 and its fiscal impact, and whether or not they could use the failure of the first bill as a selling point to pass the present bill.

SEN. LANGE stated that if they took the money away from the fishing access funds the bill would not pass.

SENS. SPRAGUE, LANGE and MAHLUM further discussed how much money that Fish, Wildlife and Parks had available and whether or not that would kill the bill. They then talked about the fact that Fish, Wildlife and Parks would be broke in five to six years.

REP. LANGE pointed out that the bill was for maintenance of parks.

There was further discussion regarding the time frame in which Fish, Wildlife and Parks would be broke and the fact that the bill would genuinely help to prevent that scenario.

REP. GOLIE expressed his support for the proposed amendments.

**Motion/Vote:** Motion that AMENDMENT SB033606.ads BE ADOPTED carried 6-0 by voice vote.

***{Tape: 1; Side: A; Approx. Time Counter: 0 - 9.2}***

The amendment requested by REP. GOLIE was distributed to the Committee and is attached as Exhibit 2.

EXHIBIT(cch85sb0336a02)

Doug Sternberg, Legislative Services, explained the amendment to the Committee.

**Motion:** REP. GOLIE moved that AMENDMENT SB033605.ads BE ADOPTED.

**Discussion:**

REP. GOLIE discussed the bill and the amendment and explained how to sell the amendment on the floor.

*{Tape: 1; Side: A; Approx. Time Counter: 9.2 - 12.5}*

REP. LANGE spoke in opposition to the amendment and talked about the need to fund fishing access sites.

REP. BRUEGGEMAN stated the problem with 287 had been that people were uncomfortable with the concept of putting a decal on their vehicles. He went on to talk about the need to fund both fishing access sites as well as the parks. He concluded that as the amendment was striking fishing access sites he would have to oppose it.

SEN. SPRAGUE stated that if they did not provide funding for the fishing access sites they would not be funding weed control.

SEN. SPRAGUE asked Doug Monger if they had the flexibility in their budget to use part of the funds for fishing access sites. He went on to ask if they should just close a few of the access sites as a reality check on why they needed to be funded. Mr. Monger responded that if the amendment went through as proposed the money could only be spent on State parks. He went on to suggest a conceptual amendment that they reduce the 50 cents for fishing access sites down to 25 cents.

SEN. SHEA asked the House Members what their reaction would be to Mr. Monger's suggestion and if they could support the conceptual amendment.

SEN. SHEA, REP. LANGE and REP. GOLIE discussed Mr. Monger's proposed conceptual amendment and how the House would react to it.

REP. GOLIE remarked that they were dealing with a park's bill and he brought his amendment forth to keep it a park's bill.

REP. BRUEGGEMAN stated that in the spirit of trying to find a middle ground he would not have a problem with the proposed conceptual amendment.

There was further discussion on the proposed conceptual amendment.

**SEN. SPRAGUE** and **Mr. Monger** discussed the problems involved in weed control and the need to maintain the budget at the present level. **Mr. Monger** indicated that the conceptual amendment would keep their budget at a workable level.

*{Tape: 1; Side: A; Approx. Time Counter: 12.5 - 28}*

**SEN. SPRAGUE, REP. LANGE** and **Mr. Monger** continued to discuss the amount of revenue that would be generated if the conceptual amendment were adopted.

Substitute Motion: **REP. GOLIE** made a substitute motion that **THE CONCEPTUAL AMENDMENT TO SB 336 BE ADOPTED.**

There was further clarification as to how the conceptual amendment would work into the bill.

Vote: Motion that the **CONCEPTUAL AMENDMENT TO SB 336 BE ADOPTED** carried 6-0 by voice vote.

Motion/Vote: **REP. GOLIE** moved that the **CONFERENCE COMMITTEE REPORT BE ADOPTED.** Motion carried 6-0 by voice vote.

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 8}*

ADJOURNMENT

Adjournment: 9:30 A.M.

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SEN. DALE MAHLUM, Chairman

---

MARI PREWETT, Secretary

JB/DM/MP

EXHIBIT (cch85sb0336aad)

# LICENSE RENEWAL CARD NOTICES

#1

FIRST JANUARY RENEWAL NOTICE

MT TITLE REGISTRATION

P.02

TITLE & REGISTRATION BUREAU  
1032 Buckskin Drive  
Deer Lodge, Montana 59722

YOUR VEHICLE  
REGISTRATION IS DUE  
RENEW BY 01/31/2004

PRESORTED FIRST CLASS MAIL  
US POSTAGE PAID - DEER LODGE  
PERMIT NO. 923

MAIL TO: COUNTY TREASURER  
PO BOX 557, HELENA, MT 59624

REGRAT 65.1  
LVREG 13.7  
TRNFEE 0.0  
COOPT 37.1  
OTHER 0.1

CIRCLE Y IF \$1/\_\_\_ EXTR FOR ORGAN DONOR AWARE

PLATE/DECAL/TYPER	BACK	SPEC	VEH YR	MAKE	TYPE	WEIGHT	GVW
5A1104	PC	ND00	99	OLDS	PC	02832	
EXPIRATION DATE	VEHICLE IDENTIFICATION NUMBER		TITLE NUMBER				
031231	103NB52M0X6335022		E720768				
TAX VALUE	SCHDIST	CNTY	GVWCLS	TON	NOVH/GCN	SALE DATE	
7,427.15	014	05			000000	001206	

Includes voluntary organ donor awareness



TOTAL DUE  
\$ 116.1

NO \$4.00 FWP Parks fee  
NO \$.50 Veterans Affairs fee

#2

CORRECTION- SECOND JANUARY NOTICE

MT TITLE REGISTRATION

P.03

TITLE & REGISTRATION BUREAU  
1032 Buckskin Drive  
Deer Lodge, Montana 59722

YOUR VEHICLE  
REGISTRATION IS DUE  
RENEW BY 12/31/2003

PRESORTED FIRST CLASS MAIL  
US POSTAGE PAID - DEER LODGE MT  
PERMIT NO. 923

MAIL TO: COUNTY TREASURER  
311 W MAIN RM 107, BOZEMAN, MT 59715

**NOTICE OF CORRECTION FOR JANUARY VEHICLE REGISTRATION FEES**

Due to an error, two new fees approved by the 2003 Legislature were omitted from the mail renewal card you recently received for your vehicle's registration. Both the 50-cent veteran affairs fee and the \$4.00 state parks fee were left off.

If renewing by mail or in person, please add an additional \$4.50 to the amount shown on your mail renewal card and send the new total to your county treasurer's office.

We apologize for any inconvenience.

PLATE/DECAL/TYPER	BACK	SPEC	VEH YR	MAKE	TYPE	TITLE NUMBER
6TA6885	TK	ND00	91	CHEV	TK	W424999



1105

#3

37

MT TITLE REGISTRATION  
TITLE & REGISTRATION BUREAU  
1032 Buckskin Drive  
Deer Lodge, Montana 59722

YOUR VEHICLE  
REGISTRATION IS DUE  
RENEW BY 02/29/2004

P.04

PRESORTED FIRST CLASS MAIL  
US POSTAGE PAID - DEER LODGE  
PERMIT NO. 325

REVISED  
RENEWAL  
NOTICE FOR  
FEBRUARY AND  
LATER

MAIL TO: COUNTY TREASURER  
501 COURT SQUARE #3, GLASGOW, MT 59230  
IF RENEWING BY MAIL, PLEASE ADD  
\$1.00 FOR COUNTY POSTAGE AND HANDLING.  
PARK FEE \$4 LTMVPK OPTIONAL PER MCA 61-3-321

GVWTAX 6.00  
REGRAT 65.00  
HVYREG 18.75  
VETFEE 0.58  
TRNFEE 0.25  
COOPT 49.40  
LTMVPK 4.00  
OTHER 0.00

PLATE/DECAL/TYPE 20TF285 TK  
BACK ND00  
SPEC  
VEH YR 97  
MAKE TYPE WEIGHT FORD TK  
GVW

EXPIRATION DATE 040131  
VEHICLE IDENTIFICATION NUMBER 1FTDX1867VKA02352  
TITLE NUMBER E032910

TAX VALUE 9,888.20  
SCHDIST 1  
CNTY 20  
GVNCLS 2  
TON 1/2  
MOVW/GCW 000000  
SALE DATE 020703



TOTAL DUE  
\$ 143.94

FWP Parks fee is optional per law  
No organ donor awareness notice

includes  
Parks &  
Veteran's fee

## **WAIVER OF \$4 FEE FOR USE OF STATE PARKS & FISHING ACCESS SITES**

Effective January 1, 2004, Montana law requires payment of an additional \$4 fee to register a light vehicle in this state.

The \$4 fee will give you unlimited free daily entrance access to all of Montana's State Parks for the registered vehicle and the Montana residents using the vehicle at a park site.

The Department of Fish, Wildlife & Parks will use the prepaid \$4 fee to:

- ⇒ Support Montana's forty-two (42) state parks (\$3.50)
- ⇒ Support over 320 fishing access sites in Montana (25 cents) and
- ⇒ Operate state-owned historic sites at Virginia City and Nevada City (25 cents)

All light vehicles are automatically subject to the prepaid \$4 fee.

If you **do not** intend to use the state parks and fishing access sites this year, you may waive the \$4 fee.

To waive the fee, complete the following certification and submit it with your vehicle registration payment.

---

**I hereby certify that I am exercising my option to waive the \$4 fee for my vehicle because I do not intend to visit any of Montana's state parks or fishing access sites during this vehicle registration year.**

**Vehicle Make:** \_\_\_\_\_

**Vehicle Model:** \_\_\_\_\_ **Vehicle Weight:** \_\_\_\_\_

**Vehicle License Plate #:** \_\_\_\_\_ **Vehicle Title#:** \_\_\_\_\_

Dated this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_

\_\_\_\_\_  
**Signature of Registered Owner**

\_\_\_\_\_  
**Date**

**Printed Name of Registered Owner:** \_\_\_\_\_

**Driver's License No.:** \_\_\_\_\_ **State of License:** \_\_\_\_\_

## Mitchell, Larry

---

**From:** Mitchell, Larry  
**Sent:** Friday, January 30, 2004 3:43 PM  
**To:** Monger, Doug; Roberts, Dean  
**Cc:** Rep. Christopher Harris (E-mail)  
**Subject:** \$4 parks fee Section 61-3-321(11)

Gents -

Here are some questions that I would like the agencies to consider and respond to in writing prior to the March 9 EQC Subcommittee hearing on this matter.

- (1) Which agency, Justice DMV or DFWP, is responsible for providing the mechanism for vehicle license registrants to make the "written election" not to pay the \$4 fee?
- (2) Which agency determines what constitutes a "written election", what form does it take, and where does it reside if the statute were ever to be enforceable under either Sections 23-1-105(6), 61-3-601, or 45-7-203, MCA?
- (3) Would you agree that the language in Section 61-3-321(11)(b)", certify that the person does not intend to use state parks and fishing access sites and" is superfluous and unenforceable?
- (4) Does the executive branch propose to amend Section 61-3-321(11) in 2005?

Feel free to pass this along.  
Thanks.

Larry D. Mitchell  
(406) 444-1352





## **Montana Fish, Wildlife & Parks**

1420 East Sixth Avenue  
P.O. Box 200701  
Helena, MT 59620  
February 24, 2004

Larry Mitchell  
Environmental Quality Council  
P.O. Box 200901  
Helena, MT 59620

Dear Larry:

In preparation for the March 9, 2004 EQC Agency oversight subcommittee meeting, I have prepared answers to the questions that were raised about the implementation of SB 336, the optional State Parks vehicle registration fee program. I have paraphrased the questions for your convenience. If I missed the point of the inquiries, please feel free to contact me at 444-3751.

### **Provide a brief legislative history of SB 336.**

In late 2001, Governor Martz commissioned the State Park Futures Committee to look into the State Parks system including its make up, funding, policies and statutes that guide it. The Futures Committee made 18 recommendations to improve the parks system and suggested various strategies to improve the financial situation of the system. One of the funding strategies recommended by the Futures Committee

was to implement an optional fee on light vehicles to help fund the State Parks System.

Senator Mahlum introduced SB 336, which removed day use fees at State Parks for vehicles with Montana license plates and added an optional \$4 fee onto light vehicle registrations. Vehicle owners could 'opt out' of the optional fee if they did not use state parks or fishing access sites. In the initial draft of the bill, \$3.75 went to state parks and \$.25 was directed to maintain the state-owned buildings at Virginia and Nevada cities.

The Senate Fish and Game committee passed the bill 10-0. The Senate passed the bill 28-20(2<sup>nd</sup>) and 28-22(3<sup>rd</sup>). The House Fish, Wildlife & Parks committee amended the bill to include the fishing access sites in the funding formula and made the bill an 'opt in' instead of an 'opt out'. The House passed the amended version of the bill 98-8 and 90-10. The Senate did not concur in the House amendments.

A conference committee of Senators Mahlum, Sprague, Shea and Representatives Lang, Golie and

Brueggeman amended the bill to adjust the funding distribution to \$3.50 for State Parks, \$.25 for the fishing access program and \$.25 for Virginia and Nevada Cities. The Committee also amended the bill back to the 'opt out' language.

The Senate passed the final version of the bill 30-18, 35-14, the House concurring 81-19, 79-20.

Larry Mitchell

February 24, 2004

Page 2

**Is this really voluntary?**

A better term would be optional. The law reads that a person must pay the fee unless they make a written election to not pay the fee. To make that election a person can sign a waiver at the courthouse stating they don't use parks or fishing access sites or because the mail out registration reminder card tells the customer that the park fee is optional counties now consider the card as an election; subsequently, if people register by mail and do not include the optional \$4 park fee, that is being considered an election.

**Which agency, DOJ or FWP, is responsible for providing for the written election forms?**

Department of Justice, Motor Vehicle Division provides the 'opt out' forms to all of the county treasurers. This form was developed in concert with FWP. The form was revised after the first month to make it easier and simpler for the customer to complete by deleting unnecessary information.

FWP collects, compiles and reviews the written election forms.

Because a few people in the first month of the program did not fully understand the optional nature of the new legislation, FWP has developed a program to refund any payments made by people who would have preferred to 'opt out'. FWP is solely responsible for the refund program.

**Is the language in the law, Section 61-3-321(10)(b) unnecessary and unenforceable?**

No. While there is no way to determine at the time of vehicle registration whether a person 'intends' to use a park or fishing access site, there must be grounds for a registrant to elect to not pay the optional fee. If the registrant elects to not pay the fee, the park fee would not be designated on the vehicle registration for future reference.

While it is necessary to have some form of certification, FWP has made a policy in our Biennial Parks Fee rule to trust in citizen's honesty and allow free park entrance to all vehicles with Montana license plates; this assumes all who certify that they do not use parks or fishing access sites are being honest.

**Does the Executive Branch propose to amend the statutes created by SB 336 in the 2005 Legislature?**

No. It is the intent of FWP and DOJ to continue to work with the statute as it is written. The current statute does have one small issue that FWP clarified in writing the Parks Biennial Fee rule. MCA 61-3-321(10)(b) requires that *'the person does not intend to use state parks...'*

FWP clarified this to mean the '*vehicle*' does not intend to use state parks. This clarification allows that some multi-car families have a vehicle that does not go to parks and another vehicle that does. This family would then only pay on the park-visiting vehicle.

**What have FWP and DOJ done to publicize this law change?**

FWP will bring a file of press releases and stories that occurred across Montana notifying the public of this new law and the optional nature of the vehicle registration fee. In addition:

- Both FWP and DOJ attended and made presentations to the annual meeting of the County Treasurers Association in Dillon in September.
- FWP employees visited all 56 county seats to help treasurers with questions and with the waiver form.
- FWP provided posters for each county courthouse alerting the public of the law change.
- FWP did radio Public Service Announcements on the new law.
- FWP did a direct mail campaign to 13,700 households across Montana about the law change.

Regards,

Doug Monger  
Administrator  
Parks Division

My bringing this bill forward is because Montana Parks dept. needs funding. The 2003 session has cut most of the funding dollars from the Parks.

This bill was intended to do the following:::

If a person had more than 1 car/truck, this person could – if wanted to – pay for the 4.00 fee for all of the vehicles in his/her name.

If the person wanted to have a vehicle licensed with the 4.00 fee then this vehicle could go into the state parks and the fishing access's with the blessing of the Parks dept.

If a person has 2 or more vehicles and chooses to license only 1 with the 4.00 parks fee, this is OK, this will certainly let them into the state parks/fishing access.

The reason there is no sticker to put on the license plate is because this is a matter of TRUST. If a Montana citizen wants to go to the Parks/fishing access, and they have purchased a 4.00 fee with the license, they are completely free to enter and utilize these parks/fishing access's in Montana.

The idea of the bill is TRUST. If you are a Montana citizen and have elected to pay the 4.00 fee, you are entitled to all of the Parks place to visit.

Remember, the out of state people who visit must pay the daily fees, they cannot be eligible for the reduced fee's to enjoy our parks.

This bill was supposed to be easy to administer. The mail in cards to re-register were supposed to have a box to check if you did NOT want to pay the 4.00 fee.

The county courthouses were supposed to have large signs to let the people know what the 4.00 was for and if they did not want to pay this fee, they could opt out at that time.

I feel the administratively this has not been done.

This really could be a simple matter, re-register cards printed with the box to check yes or no.

If you go the treasurers office to get your current title, a simple box to sign would OPT you out.

It simply should have been a matter of COMMUNICATION.

I really feel bad this has caused this type of commotion as this should have been so simple.

For the people who choose not to buy the 4.00 license and choose to go to the Parks in Montana, there is nothing we can do. Hopefully, as this is a matter of trust, only a few percent of people will choose to do this.

I am still convinced this will be good for the people of Montana as so many people do use the parks/fishing access that our state has to offer.

I have talked to many people, in person and people calling me, not one of them has a problem with the bill, all seem to like the idea,. ONLY they say it is confusing.

We need to get the departments to do what is the right course of action. Not fight the issue.

SENATOR MATHUM  
PREFERENCE  
FAXED - 2/24/04

**NOTICE: IF YOU NO LONGER OWN THIS VEHICLE, DISREGARD THIS CARD.  
DO NOT RETURN IT TO THE TITLE AND REGISTRATION BUREAU.**

1. On or before the "renew by" date on the front of this card, do one of the following:
  - A. TO AVOID LONG LINES, RENEW BY MAIL. Mail this card (which may be folded) and your check to your county treasurer's office. Make your check payable to your county treasurer; OR
  - B. TO RENEW IN PERSON, take your old registration receipt --or-- this card to your county treasurer's office.
2. IF PERSONALIZED PLATES ARE NOT RENEWED BY THE "RENEW BY" DATE, THE PLATE LOGO MAY BE ISSUED TO ANOTHER APPLICANT.
3. The law requires possession of liability insurance in an amount of not less than \$25,000 - \$50,000 - \$10,000. Proof of insurance must be carried in the vehicle.

**NOTICE CONCERNING RELEASE OF PERSONAL INFORMATION**

Motor vehicle records are released to individuals and businesses for a variety of uses, BUT you may have your name and address withheld from release for certain uses by INITIALING (void if any other mark is used) the appropriate box(es) below. Your selection(s) will not affect release for motor vehicle recall, warranty, antitheft, safety or emission purposes. Selection applies to personal information of any co-owner for this vehicle record. To cover other vehicle records, you must obtain a separate form at your county treasurer's office.

Initials  
Only →

No release for DIRECT MAIL/PRODUCT MARKETING uses

Initials  
Only →

No release for OTHER USES, EXCLUDING governmental, business or employment verification, legal proceedings, licensed investigations, insurance, towing or other statistical reporting purposes.

I do not wish to pay \$4.00 to help maintain State Parks