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EXHIBIT 8
DATE 2-12-09
HB 210

January 20, 2009

Rep. Mike Phillips, HD 66
Montana State Legislature
mikephillips@montana.net

Re: Response to HB 210; Fiscal Note sent via email on this date

Dear Rep. Phillips,

First, I think being fiscal responsible is the correct direction of the legislature and I support those that are being prudent in expenditures. In addition, I believe accuracy is equally important.

I **dispute**, but not limited to, the fiscal note prepared by Sue Daly of Fish, Wildlife, and Parks (FWP). Ms. Daly's calculations are based off facts not in evidence, unrealistic assumptions, and mathematical errors. According to the figures she presented, HB 210 would cost \$1,005,172 instead of a minimal or no additional cost to taxpayers.

I do not believe that any group(s) of citizens deserve a privilege more so than a veteran. This bill is designed to provide veterans identified within the bill to receive **equally** the same privilege as those that have not done anything to earn this honor, specifically, those 62 years of age or older.

Since FWP failed to provide accurate numbers of those that actually were veterans that purchased licenses, I **dispute**, but not limited to, the figures and conclusion(s) identified within the 2001 Biennium fiscal note regarding HB 210 for the following, but not limited, reasons:

1. I believe the fiscal note was specifically designed in a bias manner to demonstrate an inaccurate outcome. Assuming all veterans currently living in Montana would utilize this privilege suggests an extreme view.
 - a) FWP has direct figures of how many veterans have utilized the current law, as mandated by law and yet, that exact figure is omitted within the note. FWP only identified that 2% of Veterans living in Montana have received Purple Hearts, not how many of them utilized the privilege of the current law. Specifically, I want numbers identifying how many Purple Heart awardees actually received benefit. Was it 20, 150, 2000, what is the actual number? Anyone can make up an estimate (assumptions) but when being fiscal responsible, let's be accurate and not guess.

2. As identified under FISCAL ANALYSIS parts 2 (64,969), 3 (164,195), and 4 (27,633) FWP identified a total number of 321,766 individuals. I **dispute**, but not limited to, this calculation for the following, but not limited, reason(s).
- a) I argue that those purchasing "bird" licenses must be included in the number of those that purchased fishing licenses. A reasonable minded person would easily conclude that if a person purchased a bird license they also purchased a conservation and fishing license. Therefore, we must reasonably eliminate 64,969 from the total figure or at least 80% of that number to be reasonably accurate. In addition, these numbers represent all residents under the age of 62 years of age and not actual veterans. Ms. Daly did not identify actual number of veterans, why? Was it 20, 150, or 2000, what is the actual number? With this in mind, if we were to calculate 15% of those people being veterans then a more accurate number would be 9,745 instead of 64,969 ($64,969 \times 15\% = 9,745$).
 - b) I argue that those purchasing "fishing" licenses are NOT all veterans and yet FWP used this number in their calculations even though they stated only 15% of Montana's are veterans. Therefore, assuming that 15% of the 164,195 were actual veterans, the calculation would be: ($164,195 \times 15\% = 24,629$). In addition, FWP used a \$26 figure instead of the actual \$18 figure identified on its own website. I believe Ms. Daly included the conservation fee of \$8 into this figure and as identified, this fee would be paid by the veteran as it is paid for by those 62 years of age or older.
 - c) I argue that those non-residents purchasing "fishing" license are NOT all veterans and again, FWP's used this figure in their calculations. A more reasonable assumption would be to use the 15% rule ($27,633 \times 15\% = 4,145$).
 - d) However, I **dispute**, but not limited to, that 100% of the veterans identified living in Montana or non-resident veterans affected by current statute or this bill actually could be used as a reasonable statistic. A more reasonable figure would be much lower again demonstrating an even lower figure than suggested by Ms. Daly.
3. As identified under FISCAL ANALYSIS parts 9 (7,973), 10 (27,633), 11 (116,584), and 12 (24,031) FWP identified a total number of 176,221 individuals. I **dispute**, but not limited to, this calculation for the same reason(s) identified above and below.
- a) FWP's doubles up on numbers, does not accurately identify veterans but rather, the total number of purchasers. This is unreasonable and unrealistic and I would point this out in my testimony before the committee, as well as through the media in gathering support for this bill.

4. More specifically, I offer the following analysis:

a) FISCAL NOTE ASSUMPTION(S) (#7)

According to Ms. Daly (FWP), the cost after her calculation for this portion of the bill would be: \$718,425. As you can visually see below, her calculation was off by (\$286,747), that is, Ms. Daly's calculation was off by more than a quarter of a million dollars. Moreover, she doubled up by using the same people within different calculations. Ms. Daly's calculations are based off if the entire 15% of veterans in the state would utilize this bill. That would be like stating that all registered voters in Montana vote. As we both know, usually only about 1/2 of voters vote so, we could more reasonably conclude that no more than 1/2 the veterans would utilize privileges identified within HD210. Moreover, FWP has exact figures, as required by law, that identifies if a purchaser is a veteran or not or if a veteran utilized the bill because this would have to be reported to the department's general licensed account. What was 2007's figures of veterans utilizing the current statute. Ms. Daly based her calculations off the entire population rather than, off actual figures of those purchasing licenses that were veterans. The following evidences Ms. Daly's calculation error and demonstrates that the entire fiscal note is **erroneous**.

(64,969 x 15% x \$7.50)			
64,969 x .15 = 9,745.35			
9,745.35 x \$7.50 = \$73,090.13	\$	73,090.13
(164,195 x 15% x \$26.00)			
164,195 x .15 = 24,629.25			
24,629.25 x \$26 = \$640,360.50	\$	640,360.50
(27,633 x 15% x 2% x \$69)			
27,633 x .15 = 4,144.95			
4,144.95 x .02 = 82.899			
4,144.95 + 82.899 = 4,227.849			
4,227.849 x \$69 = \$253,670.90	\$	<u>253,670.90</u>
Total:			\$ 1,005,172.00

In addition, according to FWP own website listing costs (fees) associated with part (b) above, the cost for a fishing license is \$18, not \$26. I believe Ms. Daly added the conservation fee of \$8 into her calculation and as identified within the current statute and identified in this bill, this conservation fee is --- would be paid for by the recipient and not included in the bill as an expenditure.

b) Given the fact that Ms. Daly did not provide the number of individuals 62 years of age or older utilizing the current statute, one could argue that Montana, as well as other states have an elderly population of about 30%. With this in mind, one could

reasonably argue that this group of citizens received value of **\$1,604,836** versus veterans identified within HB210 which receive 0-1%. Using Ms. Daly's own example but with accurate figures, the following demonstrates an example of providing this service to veterans without increased costs to taxpayers. Since Purple Heart awardees already receive this service, there are no additional costs and cannot be included.

Bird License

(64,969 x 30% x \$7.50)

64,969 x .30 = **19,490.70**

19,490.70 x \$7.50 = \$146,180.30 \$ 146,180.30

Fishing License

(164,195 x 30% x \$18.00)

164,195 x .30 = **49,258.50**

49,258.50 x \$18 = \$ 886,653.00 \$ 886,653.00

Non-resident

(27,633 x 30% x \$69)

27,633 x .30 = **8,289.90**

8,289.90 x \$69 = \$ 572,003.10 \$ 572,003.10

Total: \$ 1,604,836.00

Eliminate this privilege (costs) to those that are 62 years of age and older, provide this privilege to those that have served, earned this privilege, and/or currently serving and the **savings** to the general fund would be OVER a million dollars.

ANALYSIS

I offer the following calculations as a more reasonable and supported example (assumption). Instead of calculating 100% of the estimated veterans, the following is based off 1/3 (5%). Instead of the \$26 Ms. Daly stated, the following is based off the actual cost reported on FWP website. Instead of adding in the Purple Heart Awardees, since they already receive this benefit, it is eliminated from calculation.

Bird License

(164,195 x 5% x \$7.50)

164,195 x .5 = **820.975**

820.975 x \$7.50 = \$6,157.313 \$ 6,157.313

Fishing License

(164,195 x 5% x \$18)

164,195 x .5 = **820.975**

820.975 x \$18 = \$14,777.55 \$ 14,777.55

Total: \$ 20,934.86

CONCLUSION

FWP's numbers are severely skewed and unrealistic.

If the legislature needs to be responsible and accountable for its action, a possible solution could be to eliminate funding for those receiving this benefit, that is, those that are 62 years of age and older and use that money to support veterans. Instead of showing support for veterans by tying a yellow ribbon around a tree, lets tie a yellow ribbon around a tree for those 62 years of age and older and provide fishing and bird license to veterans.

While this is but one example of how this veterans service could be funded, there are many other examples one could argue, such as but not limited to, monies appropriated for unwed, under age females that become pregnant and receive services from the state in the form of WIC or other non-profit services receiving monies to provide services., such as abortion clinics or clinics providing similar free care. Since these people could be considered not to have contributed to the security of a nation, one could easily argue veterans represent the values, morals, and principles of society. The legislature could stop funding these services since the only requisite to receive these services are based off efforts not associated with defending a nation.

I believe I would offer the committee reasonable testimony in support of this bill that would clearly demonstrate FWP's unrealistic, unreasonable, and miscalculation of actual costs this bill would reasonably incur or multiple examples where costs could be cut in support for this bill. In any event, I will continue to urge citizens to support this bill and will be speaking to media this week identifying errors and conclusions made by decision-makers.

This letter also serves as an example of testimony for which the committee has an **obligation** to hear before rendering a decision. Any attempt to floor the hearing, keep veterans from testifying at the hearing, would be considered an attempt to, but not limited to, deny a citizen of their due process right to be heard and moreover, an attempt to treat veterans **disparately** from others.

We the people --- we the veterans will no longer walk silently into the night, we will be heard.

Semper fi,

Joel Steinmetz

Veteran and Veteran Advocate

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Prepared by: Joel Steinmetz

1 **ADDITIONAL TESTIMONY**

2 **February 12, 2009**

3 **The Honorable Kendall Van Dyk**

4 **(H) Fish, Wildlife, and Parks - Committee**

5 **Helena, Montana**

6 **Re: Support for the "original intent" of HB 210, Generally Revising Conservation, Fishing,**
7 **and Bird license under Title 87.**

8 **Honorable Chairman Van Dyk and Members of the Committee:**

9 **Thank you for this opportunity to testify in support of the "original intent" and in**
10 **opposition to the current draft of HB 210.**

11
12 Chairman Van Dyk, members of the committee, my name is Joel Steinmetz from
13 Bozeman and I am the person that originally proposed legislation to provide (1) resident
14 honorably discharged veterans and (2) resident actively serving armed forces members to be
15 "entitled to fish and hunt game birds, not including wild turkeys, with a conservation license
16 issued by the department." In other words, the same entitlement, privilege, and honor those 62
17 years of age and older currently receive. I am a veteran, 5th generation Montanan, and here in
18 support of the "original intent" of the bill and in "opposition" to the current draft.

19 The current draft disenfranchises resident Legion of Valor; Purple Heart awardees;
20 honorably discharged veterans; and actively serving armed forces members. In addition, the
21 current language reduces nonresident Purple Heart awardees privileges; provides nonresident
22 veterans certified as disabled as prescribed by the department of Fish, Wildlife, and Parks (FWP)

23 and NOT the VA, a condition that is prohibited; allows rule making authority, and eliminates
24 privileges provided under subsection (12)(a) and (12)(b). I ask that these errors be rectified.

25 **Who is affected by HB 210?**

26 The “original intent” of HB 210 would have a positive impact on resident honorably
27 discharged veterans and actively serving armed forces members. The State of Montana would
28 also benefit from increased tourism from other veterans to the state, as well as their families and
29 friends. This bill is likely to increase the quality of Montana’s tourism industry.

30 **Who would support HB 210?**

31 A majority of Montana voters would likely be in support of the “original intent” of the
32 bill. This bill promotes the value of honor, privilege, and recognition to those that have and are
33 currently serving our nation. The long-term outlook of the “original intent” of HB 210 would
34 gain support from various veteran organizations, church parishioners, and non-profit
35 organizations. It will empower residents of Montana in offering resident honorably discharged
36 veterans and armed forces members a distinct honor and privilege.

37 **Who would oppose HB 210?**

38 It saddens me to say that some politicians, government entities, and possibly some
39 citizens would oppose this privilege, this honor to those that have and are serving our country.
40 Politicians may feel that during these critical economic times they must be more fiscal
41 responsible. Government entities may seek funds for other areas of their specific field of
42 expertise. Citizens may feel that there are too many expenses they are shouldering and do not
43 want to incur added costs. Arguably, these concerns are valid but I strongly contend that no one
44 would be enjoying any of their freedoms if it were not for the honorable veterans and armed
45 forces members.

46 **Funding HB 210**

47 The fiscal note was prepared by FWP. After reviewing this note, I noticed multiple
48 miscalculations and assumptions. Basically, assumptions and calculations were based off the
49 total number of individuals that purchased licenses and not off the number of veterans that did.
50 Since FWP is mandated to record expenditures and reimbursements quarterly from the general
51 fund to the general license account, FWP should have an accurate account of how many
52 veterans' fish and hunt game birds and moreover, how many veterans utilized the current statute
53 over the last two years. Based off these numbers, I believe a more accurate fiscal note could be
54 prepared for this committee's consideration.

55 **Closing**

56 I would like to thank Chairman Van Dyk and Members of the Committee of the House
57 Fish, Wildlife and Parks for your time to review my written and oral testimony regarding HB
58 210. I would like to thank Rep. Mike Phillips for sponsoring this bill and those sending in letters
59 of support and have come here to testify. If you have any further questions or concerns regarding
60 my testimony, please do not hesitate to contact me.

61 Sincerely,

62 Joel Steinmetz (406) 600-7148

HOUSE BILL NO. 0000

INTRODUCED BY MIKE PHILLIPS

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO RESIDENT CONSERVATION AND FISHING LICENSES; AMENDING SECTIONS 87-2-801, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SECTION 1. Section 87-2-801, MCA, is amended to read:

"87-2-801. Residents over sixty-two years of age – resident or nonresident Legion of Valor members – Purple Heart awardees – resident honorably discharged veterans – resident actively serving armed forces members. (1) A resident, as defined in 87-2-102, who is 62 years of age or older is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the department. The form of the license must be prescribed by the department.

(2) A resident who is 62 years of age or older is also entitled to purchase a Class A-3 deer A tag for \$10 and a Class A-5 elk tag for \$12.

(3) Regardless of age, a resident, as defined in 87-2-102, or a nonresident who is a Legion of Valor member is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license issued by the department. The form of the license must be prescribed by the department.

(4) Regardless of age, a resident, as defined in 87-2-102, who has been awarded a Purple Heart for service in the armed forces of the United States is entitled to fish and hunt game birds, not including

23 wild turkeys, with a conservation license issued by the department. The form of the license must be
24 prescribed by the department.

25 (5) Regardless of age, a nonresident who has been awarded a Purple Heart for service in the
26 armed forces of the United States is entitled to fish and hunt game birds, not including wild turkeys, with
27 a conservation license issued by the department during expeditions arranged for the nonresident by a
28 nonprofit organization that uses fishing and hunting as part of the rehabilitation of disabled veterans. The
29 form of the license must be prescribed by the department.

30 (6) Regardless of age, a resident, as defined in 87-2-102, who is a resident honorably discharge
31 veteran is entitled to fish and hunt game birds, not including wild turkeys, with a conservation license
32 issued by the department. The form of the license must be prescribed by the department.

33 (7) Regardless of age, a resident, as defined in 87-2-102, who is a resident actively serving armed
34 forces members is entitled to fish and hunt game birds, not including wild turkeys, with a conservation
35 license issued by the department. The form of the license must be prescribed by the department.

36 (6) (8) The department's general license account must be reimbursed by a quarterly transfer of
37 funds from the general fund to the general license account for license costs associated with the fishing and
38 game bird hunting privileges granted pursuant to subsection (4), ~~and (5), (6), and (7)~~ during the preceding
39 calendar quarter. Reimbursement costs must be designated as license revenue.

40 ~ END ~