HOUSE BILL NO. 495

INTRODUCED BY HARPER, HOFFMAN, BURNETT, R. DEBRUYCKER, GRINDE, RANEY, SCOTT, FORRESTER, SQUIRES

IN THE HOUSE

JANUARY 31, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.

FIRST READING.

- FEBRUARY 20, 1991 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 21, 1991 PRINTING REPORT.
- FEBRUARY 23, 1991. SECOND READING, DO PASS.

ENGROSSING REPORT.

FEBRUARY 26, 1991THIRD READING, PASSED.AYES, 99; NOES, 0.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 27, 1991

FEBRUARY 25, 1991

MARCH 22, 1991

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MARCH 23, 1991

MARCH 25, 1991

INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.

FIRST READING.

COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

MARCH 25, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

LC 0637/01

Hause BILL NO. 495 1 INTRODUCED BY 2 Conin 3 A BILL FOR AN ACT ENTITOED: "AN ACT ESTABLISHING A 4 MANAGEMENT SYSTEM FOR ADDRESSING IMPROVEMENTS IN STATE 5 PARKS; AND REQUIRING THE FISH AND GAME COMMISSION TO ADOPT 6 7 RULES TO IMPLEMENT THE SYSTEM." 8 WHEREAS, it is in the best interests of the State of 9 Montana that the state parks system have an improvement and 10

11 development policy that reflects the concerns of a majority 12 of the users of Montana's state parks.

13 14

STATEMENT OF INTENT

15 A statement of intent is required for this bill because 16 [section 1] requires the fish and game commission to adopt 17 rules establishing a policy for certain development of state 18 parks. It is intended that the policy address, at a minimum:

19 (1) the desires of park users and the public;

20 (2) the capacity of the park for development;

(3) environmental impacts associated with development;
(4) the long-range ability of the state to maintain the improvements;

(5) the protection of natural, cultural, and historicalpark features; and

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- (6) potential impacts on tourism.
- 1 2

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

4 <u>NEW SECTION.</u> Section 1. Improvement or development of 5 state park -- required hearing -- rules. (1) The fish and 6 game commission shall adopt rules establishing a system 7 whereby any proposed improvement or development of a state 8 park that exceeds a cost of \$25,000 is subject to public 9 hearing and input on the advisability and acceptability of 10 the proposal.

11 (2) The department shall prepare a public report 12 regarding any project that is subject to the provisions of 13 subsection (1). The report must include conclusions relating

14 to the following aspects of the proposal:

15 (a) the desires of the public as expressed at the 16 required hearing;

17 (b) the capacity of the park for development;

- 18 (c) environmental impacts associated with the
- 19 improvement or development;
- 20 (d) the long-range maintenance of the improvements;
- 21 (e) the protection of natural, cultural, and historical
- 22 park features; and
- 23 (f) potential impacts on tourism.
- 24 NEW SECTION. Section 2. Codification instruction.
- 25 [Section 1] is intended to be codified as an integral part

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INTRODUCED BILL

LC 0637/01

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- 1 of Title 23, chapter 1, part 1, and the provisions of Title
- 2 23, chapter 1, part 1, apply to [section 1].

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STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for <u>HB0495</u>, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill establishes a management system for addressing improvements in state parks and requires the Fish and Game Commission to adopt rules to implement the system. If a proposed improvement or development at a state park exceeds \$25,000, the proposed development is subject to a public hearing.

ASSUMPTIONS:

- There are 42 park projects of \$25,000 or more in the Department of Fish, Wildlife and Parks capital budget for the 1993 biennium. There will be 21 projects each year.
- 2. It will cost approximately \$800 to produce a final public report for each project

FISCAL IMPACT:

Department of Fish, Wildlife and Parks:

	FY 92		FY 93			
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Operating Costs	0	16,800	16,800	0	16,800	16,800
<u>Funding:</u>						
Parks State Special (02)	0	16,800	16,800	0	16,800	16,800

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ROD SUNDSTED, BUDGET DIRECTOR DATE Office of Budget and Program Planning

7-U-6 HAL HARPER, PRIMARY SPONSOR DATE

Fiscal Note for <u>HB0495, as introduced</u>

HB 495

52nd Legislature

HB 0495/02

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development;

APPROVED BY COMM. ON FISH AND GAME

1	HOUSE BILL NO. 495	1
2	INTRODUCED BY HARPER, HOFFMAN, BURNETT, R. DEBRUYCKER,	2
3	GRINDE, RANEY, SCOTT, FORRESTER, SQUIRES	3
4		4
5	A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A	5
6	MANAGEMENT-SYSTEM POLICY FOR ADDRESSING IMPROVEMENTS IN	6
7	STATE PARKS AND FISHING ACCESS SITES; AND REQUIRING THE FISH	7
8	AND GAME COMMISSION TO ADOPT RULES TO IMPLEMENT THE SYSTEM	8
9	POLICY."	9
10		10
11	WHEREAS, it is in the best interests of the State of	11
12	Montana that the state parks system AND FISHING ACCESS SITE	12
13	SYSTEMS have an improvement and development policy that	13
14	reflects the concerns of a majority of the users of	14
15	Montana's state parks AND FISHING ACCESS SITES.	15
16		16
17	STATEMENT OF INTENT	17
18	A statement of intent is required for this bill because	18
19	[section 1] requires the fish and game commission to adopt	19
20	rules establishing a policy for certain development of state	20
21	parks AND FISHING ACCESS SITES. It is intended that the	21
22	policy address, at a minimum:	22
23	(1) the desires of park AND FISHING ACCESS SITE users	23
24	and the public;	24
25	(2) the capacity of the park <u>OR FISHING ACCESS SITE</u> for	25

(3) environmental impacts associated with development; (4) the long-range ability of the state to maintain the improvements: (5) the protection of natural, cultural, and historical park AND FISHING ACCESS SITE features; and (6) potential impacts on tourism. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: NEW SECTION. Section 1. Improvement or development of state park OR FISHING ACCESS SITE -- required hearing PUBLIC INVOLVEMENT -- rules. (1) The fish and game commission shall adopt rules establishing a system POLICY whereby any proposed improvement or development of a state park OR FISHING ACCESS SITE that exceeds--a--cost---of---\$257000 SIGNIFICANTLY CHANGES PARK OR FISHING ACCESS SITE FEATURES OR USE PATTERNS is subject to public--hearing--and--input NOTICE OF PROPOSED MODIFICATIONS, BOTH STATEWIDE AND LOCALLY, AND TO OPPORTUNITY FOR A PUBLIC MEETING AND PUBLIC COMMENT on the advisability and acceptability of the proposal. (2) The department shall prepare a public report regarding any project that is subject to the provisions of subsection (1). The report must include conclusions relating to the following aspects of the proposal:

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HB 0495/02

HB 495

SECOND READING

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1	(a) the desires of the public as expressed at-the
2	required hearing TO THE DEPARTMENT;
3	(b) the capacity of the park <u>OR FISHING ACCESS SITE</u> for
4	development;
5	(c) environmental impacts associated with the
6	improvement or development;
7	(d) the long-range maintenance of the improvements;
8	(e) the protection of natural, cultural, and historical
9	park <u>OR FISHING ACCESS SITE</u> features; and
10	(f) potential impacts on tourism <u>; AND</u>
11	(G) SITE-SPECIFIC MODIFICATIONS AS THEY RELATE TO THE
12	PARK OR FISHING ACCESS SITE SYSTEM AS A WHOLE.
13	NEW SECTION. Section 2. Codification instruction.
14	[Section 1] is intended to be codified as an integral part
15	of Title 23, chapter 1, part 1, and the provisions of Title
16	23, chapter 1, part 1, apply to [section 1].

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HOUSE BILL NO. 495 1 INTRODUCED BY HARPER, HOFFMAN, BURNETT, R. DEBRUYCKER, 2 GRINDE, RANEY, SCOTT, FORRESTER, SQUIRES 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A 5 MANAGEMENT-SYSTEM POLICY FOR ADDRESSING IMPROVEMENTS IN 6 STATE PARKS AND FISHING ACCESS SITES; AND REQUIRING THE FISH 7 AND GAME COMMISSION TO ADOPT RULES TO IMPLEMENT THE SYSTEM 8 POLICY." 9 10 WHEREAS, it is in the best interests of the State of 11 Montana that the state parks system AND FISHING ACCESS SITE 12 SYSTEMS have an improvement and development policy that 13 14 reflects the concerns of a majority of the users of Montana's state parks AND FISHING ACCESS SITES. 15 16 17 STATEMENT OF INTENT 18 A statement of intent is required for this bill because [section 1] requires the fish and game commission to adopt 19 rules establishing a policy for certain development of state 20

22 policy address, at a minimum:
23 (1) the desires of park AND FISHING ACCESS SITE users

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24 and the public;

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25 [2] the capacity of the park OR FISHING ACCESS SITE for

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1	development;
2	 environmental impacts associated with development;
3	(4) the long-range ability of the state to maintain the
4	improvements;
5	(5) the protection of natural, cultural, and historical
6	park AND FISHING ACCESS SITE features; and
7	(6) potential impacts on tourism.
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	NEW SECTION. Section 1. Improvement or development of
11	state park OR FISHING ACCESS SITE required hearing PUBLIC
12	INVOLVEMENT rules. (1) The fish and game commission shall
13	adopt rules establishing a system <u>POLICY</u> whereby any
14	proposed improvement or development of a state park OR
15	FISHING ACCESS SITE that exceedsacostof\$257000
16	SIGNIFICANTLY CHANGES PARK OR FISHING ACCESS SITE FEATURES
17	OR USE PATTERNS is subject to publichearingandinput
18	NOTICE OF PROPOSED MODIFICATIONS, BOTH STATEWIDE AND
19	LOCALLY, AND TO OPPORTUNITY FOR A PUBLIC MEETING AND PUBLIC
20	<u>COMMENT</u> on the advisability and acceptability of the
21	proposal.
22	(2) The department shall prepare a public report
23	regarding any project that is subject to the provisions of
24	subsection (1). The report must include conclusions relating
25	to the following aspects of the proposal:

-2-

THIRD READING

HB 495

1 (a) the desires of the public as expressed at-the 2 required-hearing TO THE DEPARTMENT; 3 (b) the capacity of the park OR FISHING ACCESS SITE for 4 development; 5 (c) environmental impacts associated with the 6 improvement or development; 7 (d) the long-range maintenance of the improvements; 8 (e) the protection of natural, cultural, and historical 9 park OR FISHING ACCESS SITE features; and 10 (f) potential impacts on tourism; AND 11 (G) SITE-SPECIFIC MODIFICATIONS AS THEY RELATE TO THE 12 PARK OR FISHING ACCESS SITE SYSTEM AS A WHOLE. NEW SECTION. Section 2. Codification 13 instruction. 14 [Section 1] is intended to be codified as an integral part 15 of Title 23, chapter 1, part 1, and the provisions of Title

16 23, chapter 1, part 1, apply to [section 1].

-End-

-3-

HOUSE BILL NO. 495 1 1 development; INTRODUCED BY HARPER, HOFFMAN, BURNETT, R. DEBRUYCKER, 2 2 (3) environmental impacts associated with development; GRINDE, RANEY, SCOTT, FORRESTER, SQUIRES 3 3 (4) the long-range ability of the state to maintain the 4 improvements; A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A (5) the protection of natural, cultural, and historical 5 5 MANAGEMENT-SYSTEM POLICY FOR ADDRESSING IMPROVEMENTS IN park AND FISHING ACCESS SITE features; and 6 6 7 STATE PARKS AND FISHING ACCESS SITES; AND REQUIRING THE FISH 7 (6) potential impacts on tourism. AND GAME COMMISSION TO ADOPT RULES TO IMPLEMENT THE SYSTEM 8 8 9 POLICY." 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 NEW SECTION. Section 1. Improvement or development of 10 11 WHEREAS, it is in the best interests of the State of 11 state park OR FISHING ACCESS SITE -- required hearing PUBLIC 12 Montana that the state parks system AND FISHING ACCESS SITE 12 INVOLVEMENT -- rules. (1) The fish and game commission shall SYSTEMS have an improvement and development policy that 13 13 adopt rules establishing a system POLICY whereby any 14 reflects the concerns of a majority of the users of 14 proposed improvement or development of a state park OR 15 Montana's state parks AND FISHING ACCESS SITES. 15 FISHING ACCESS SITE that exceeds--a--cost---of---\$25;000 16 16 SIGNIFICANTLY CHANGES PARK OR FISHING ACCESS SITE FEATURES 17 STATEMENT OF INTENT OR USE PATTERNS is subject to public--hearing--and--input 17 18 A statement of intent is required for this bill because 18 NOTICE OF PROPOSED MODIFICATIONS, BOTH STATEWIDE AND [section 1] requires the fish and game commission to adopt 19 19 LOCALLY, AND TO OPPORTUNITY FOR A PUBLIC MEETING AND PUBLIC rules establishing a policy for certain development of state 20 20 COMMENT on the advisability and acceptability of the parks AND FISHING ACCESS SITES. It is intended that the 21 21 proposal. 22 policy address, at a minimum: 22 (2) The department shall prepare a public 23 (1) the desires of park AND FISHING ACCESS SITE users 23 regarding any project that is subject to the provisions of 24 and the public; 24 subsection (1). The report must include conclusions relating 25 (2) the capacity of the park OR FISHING ACCESS SITE for 25 to the following aspects of the proposal: REFERENCE BILL



HB 0495/02

-2-

HB 495

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1	(a) the desires of the public as expressed at-the
2	required-hearing TO THE DEPARTMENT;
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4	development;
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15	of Title 23, chapter 1, part 1, and the provisions of Title
16	23, chapter 1, part 1, apply to [section 1].

-End-

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