

1 HOUSE BILL NO. 16
 2 INTRODUCED BY BARDANOUE

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT FOR THE GENERAL
 5 REVISION OF LAWS RELATING TO STATE PARKS."

6
 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

8 Section 1. Section 62-301, R.C.M. 1947, is amended to
 9 read as follows:

10 "62-301. Purpose. ~~That for~~ For the purpose of
 11 conserving the scenic, historic, archaeological, scientific,
 12 and recreational resources of the state, and of providing
 13 for their use and enjoyment, thereby contributing to the
 14 cultural, recreational, and economic life of the people and
 15 their health, the state fish and game commission
 16 (hereinafter referred to as commission) is hereby vested
 17 with the duties and powers hereinafter set forth."

18 Section 2. Section 62-306, R.C.M. 1947, is amended to
 19 read as follows:

20 "62-306. Rules ~~and regulations~~ penalties. The
 21 commission ~~shall have power to~~ may make rules and
 22 ~~regulations~~ governing the use, occupancy, and protection of
 23 the lands and property under its control. ~~Any person who~~
 24 ~~violates any such rule or regulation shall be deemed guilty~~
 25 ~~of a misdemeanor and punished by a fine of not more than one~~

1 ~~hundred dollars (\$100.00) or by imprisonment for not more~~
 2 ~~than six (6) months, or both, and be adjudged to pay all~~
 3 ~~costs of the proceedings."~~

4 Section 3. Section 62-310, R.C.M. 1947, is amended to
 5 read as follows:

6 "62-310. Establishment of state scientific and
 7 recreational park. ~~That in~~ In order to preserve and protect
 8 the biological station grounds hereafter referred to, and to
 9 remove fire hazards and the danger of other encroachments
 10 tending to detract from the scientific values and uses
 11 thereof, the state fish and game commission is authorized to
 12 maintain a state scientific and recreational park on a
 13 suitable area to be designated by it not exceeding ~~fifteen~~
 14 ~~(15)~~ acres at the southeast portion of the lands granted by
 15 the United States of America to the state of Montana for the
 16 use of the university of Montana for biological station
 17 purposes."

18 Section 4. Section 62-311, R.C.M. 1947, is amended to
 19 read as follows:

20 "62-311. Rules ~~and regulations~~ governing use. The
 21 ~~state fish and game commission~~ shall make such rules and
 22 ~~regulations~~ governing the park's use, occupancy, and the
 23 protection of the remaining lands of ~~said the~~ grant that as
 24 necessary to promote and continue the use of all of ~~said the~~
 25 lands for biological station purposes, ~~shall be promoted and~~

INTRODUCED BILL

1 ~~continued; and the~~ The park itself shall be so maintained as
2 to develop and encourage public interest in the scientific
3 and biological resources of the area, ~~†--provided;--however~~
4 ~~that--nothing~~ Nothing herein contained ~~shall--operate-to~~
5 ~~prevent~~ prevents the use of the area within the said park
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7 or necessary for such purposes."

8 Section 5. Section 62-314, R.C.M. 1947, is amended to
9 read as follows:

10 "62-314. Penalties for violation of state park
11 ~~regulations rules.~~ Any person who ~~shall--injure~~ injures or
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13 ~~or historical site~~ or private property thereon or therein
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15 by the ~~state-fish-and-game~~ commission relating to the ~~--state~~
16 ~~parks,--shall--be~~ these areas is guilty of a misdemeanor and
17 shall be fined not more than ~~five-hundred-dollars-(\$500)~~ or
18 be imprisoned in the county jail for not more than ~~six-(6)~~
19 months."

-End-

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LC 0004

1977 Legislature
Code Commissioner Bill - Summary

House Bill No. 16

TO GENERALLY REVISE THE LAWS RELATING TO STATE PARKS.

(This summary does not include discussion of routine form or grammatical changes.)

Section 1. 62-301. Deleted "that" as unnecessary.

Section 2. 62-306. This section provides a penalty for a violation of the fish and game rules regarding state parks which is inconsistent with the penalty provision in 62-314. Although 62-134 is an earlier section, it was amended twice after passage of 62-306, which has never been amended. Hence, 62-314 would have to be considered the latest expression of legislative intent and the penalty there provided should govern. Accordingly, the penalty provision of this section is deleted. In recodification the two sections 62-306 and 62-314 will be combined.

Section 3. 62-310. Deleted "that" as unnecessary.

Section 4. 62-311. Rewritten for clarity.

Section 5. 62-314. This section, being part of the same act as 62-312, contemplates land used for "camping" and "recreational" use, as well as state parks. The opportunity was taken here to specifically extend the penalty provision to all types of areas and property administered by the department of fish and game in this respect, by adding "park, recreational area, monument, or historical site".

Approved by Committee
on Natural Resources

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