

HOUSE BILL NO. 877

Introduced: 2/15/83

Referred to Committee on Natural Resources: 2/15/83

Hearing: 2/21/83

Report: 02/21/83, Do Pass, As Amended

2nd Reading: 02/23/83, Do Not Pass

Bill Killed

1 *J. Jensen* *House* BILL NO. *877*  
 2 INTRODUCED BY *Ream* *Hager* *Koch* *Uchida*  
 3 *Hansen* *Orinick* *Mengham* *Kommis* *Hager* *J. Jacobson*  
 4 *Burden* *Bastian* *Engle*  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT DECALS *Berg*  
 6 BE DISPLAYED ON CRAFT FLOATING ON STREAMS AND TO PROVIDE FOR *Metcalfe* *Hammill* *Eck*  
 7 USE OF DECAL FEES COLLECTED FOR STREAM MANAGEMENT *W. Hart*  
 8 ACTIVITIES; AND PROVIDING A DELAYED EFFECTIVE DATE." *Smith* *Walsh* *Walsh*  
 9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 11 Section 1. Short title. [This act] may be cited as the  
 12 "Montana Stream Floating Management Act of 1983".  
 13 Section 2. Purpose. The purpose of [this act] is to  
 14 provide for registration of stream floating craft and to use  
 15 the fees collected for stream management activities that  
 16 will improve the relationship between landowners and stream  
 17 recreationists.  
 18 Section 3. Definitions. As used in [this act], the  
 19 following definitions apply:  
 20 (1) "Craft" means a canoe, a kayak, an inflatable  
 21 boat, a skiff, or any other boat designed to be propelled by  
 22 oar or paddle. The term does not include motorboats as  
 23 defined in 23-2-502, float-fishing tubes, inflatable tire  
 24 tubes, air mattresses, or other floatable objects not  
 25 designed for use as a craft to be propelled by oar or  
 paddle.

1 (2) "Craft decal" means the decal required for any  
 2 craft that is not a dealer or manufacturer craft or a craft  
 3 that has a maximum capacity of one occupant.  
 4 (3) "Dealer or manufacturer craft decal" means the  
 5 decal required for any craft that is owned by a dealer or  
 6 manufacturer and that is being used for a purpose related to  
 7 the selling of the craft by the dealer or manufacturer.  
 8 (4) "Decal" means a craft decal, individual craft  
 9 decal, or dealer or manufacturer craft decal.  
 10 (5) "Department" means the department of fish,  
 11 wildlife, and parks created in 2-15-3401.  
 12 (6) "Individual craft decal" means the decal required  
 13 for any craft that has a maximum capacity of one occupant.  
 14 Section 4. Decals required. (1) Any craft floating on  
 15 a stream must display a craft decal, individual craft decal,  
 16 or dealer or manufacturer craft decal, as appropriate, on  
 17 each side of the forward half of the craft.  
 18 (2) Decals are valid for 1 year beginning on March 1  
 19 of each year and must be renewed annually.  
 20 (3) The owner of a craft must apply for a decal from a  
 21 decal agent, as provided in [section 5], or from the  
 22 department.  
 23 Section 5. Decals -- application procedure -- fees.  
 24 (1) The department shall:  
 25 (a) prescribe a decal application form;

1 (b) design a craft decal form, an individual craft  
2 decal form, and a dealer or manufacturer craft decal form,  
3 each of which must be changed annually;

4 (c) make available applications for decals and issue  
5 decals upon submission of the appropriate application and  
6 payment of the appropriate fee;

7 (d) appoint decal agents, as needed, to issue decals  
8 upon completion of an application form, according to rules  
9 adopted by the department; and

10 (e) deposit fees collected as provided in subsection  
11 (3).

12 (2) Fees for decals are as follows:

13 (a) \$4 per craft annually for craft decals;

14 (b) \$2 per craft annually for individual craft decals;

15 (c) \$5 per craft annually for initial dealer or  
16 manufacturer craft decals and \$2 per craft annually for any  
17 additional dealer or manufacturer craft decals for the same  
18 craft.

19 (3) Total fees collected must be transmitted to the  
20 state treasurer for deposit in the earmarked revenue fund  
21 for use by the department for purposes of [section 6].

22 Section 6. Funds for stream management. Funds derived  
23 from fees, fines, and forfeited bonds allocated to the  
24 department under [this act] must be spent for the following  
25 purposes:

1 (1) leasing of property to be used for stream access  
2 sites or campsites;

3 (2) financing stream management activities for the  
4 purpose of improving the relationship between landowners and  
5 stream recreationists, including but not limited to:

6 (a) assisting landowners in constructing and  
7 maintaining necessary fences or other structures that are  
8 compatible with stream floating;

9 (b) posting signs to warn floaters of stream hazards  
10 and to identify public access areas;

11 (c) publishing maps showing public access areas and  
12 land ownership; and

13 (d) assisting in cleanup on stream corridors.

14 Section 7. Enforcement -- penalty. (1) The department,  
15 the attorney general, and the several county attorneys shall  
16 enforce the provisions of [this act].

17 (2) Any violation of [section 4] is a misdemeanor and  
18 upon conviction is punishable by a fine of not more than  
19 \$500.

20 (3) All fines and bond forfeitures must be transmitted  
21 to the state treasurer and deposited in the earmarked  
22 revenue fund for use by the department for purposes of  
23 [section 6].

24 Section 8. Effective date. This act is effective March  
25 1, 1984.

## STATE OF MONTANA

REQUEST NO. 480-83

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 18, 19 83, there is hereby submitted a Fiscal Note for House Bill 877 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 877 provides for registration of stream floating craft; provides fees for registration and decals; and provides penalties.

ASSUMPTIONS:

- 1) Assume 30,000 crafts will be licensed.
- 2) Assume 1,400 violations.
- 3) The department will be required to provide enforcement and cleanup services equal to funds acquired by sale of licenses and fines.
- 4) Administrative duties will be split between Law Enforcement, Parks and Central Services.

FISCAL IMPACT:

|                   | <u>FY84</u>      | <u>FY85</u>      |
|-------------------|------------------|------------------|
| Revenue:          | \$130,500        | \$130,500        |
| Expenditures:     |                  |                  |
| Personal Services | 60,500           | 60,500           |
| Operating         | 67,000           | 67,000           |
| Equipment         | 3,000            | 3,000            |
|                   | <u>\$130,500</u> | <u>\$130,500</u> |

FISCAL NOTE 16: Z/1

*David M Lewis*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-20-83

Approved by Committee  
on Natural Resources

## HOUSE BILL NO. 877

INTRODUCED BY REAM, HARPER, KADAS,  
VELEBER, J. JENSEN, HANSEN, DRISCOLL,  
MENAHAN, KEMMIS, HAGER, JACOBSON, BERG,  
BARDANOUVE, BERTELSEN, BERGENE, METCALF,  
HARRINGTON, ECK, FAGG, ADDY, MOHAR, DAILY,  
NISBET, FARRIS, HART, DONALDSON, HALLIGAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THAT DECALS  
BE DISPLAYED ON CRAFT FLOATING ON STREAMS AND TO PROVIDE FOR  
USE OF DECAL FEES COLLECTED FOR STREAM MANAGEMENT  
ACTIVITIES; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

Section 1. Short title. [This act] may be cited as the  
"Montana Stream Floating Management Act of 1983".

Section 2. Purpose. The purpose of [this act] is to  
provide for registration of stream floating craft and to use  
the fees collected for stream management activities that  
will improve the relationship between landowners and stream  
recreationists.

Section 3. Definitions. As used in [this act], the  
following definitions apply:

(1) "Craft" means a canoe, a kayak, an inflatable  
boat, a skiff, or any other boat designed to be propelled by

oar or paddle. The term does not include motorboats as  
defined in 23-2-502, float-fishing tubes, inflatable tire  
tubes, air mattresses, or other floatable objects not  
designed for use as a craft to be propelled by oar or  
paddle.

(2) "Craft decal" means the decal required for any  
craft that is not a dealer or manufacturer craft or a--craft  
that-has-a-maximum-capacity-of-one-occupant.

(3) "Dealer or manufacturer craft decal" means the  
decal required for any craft that is owned by a dealer or  
manufacturer and that is being used for a purpose related to  
the selling of the craft by the dealer or manufacturer.

(4) "Decal" means a craft decal,--individual--craft  
decal, or dealer or manufacturer craft decal.

(5) "Department" means the department of fish,  
wildlife, and parks created in 2-15-3401.

(6)--"individual--craft-decal"--means-the-decal-required  
for-any-craft-that-has-a-maximum-capacity-of-one-occupant.

Section 4. Decals required. (1) Any craft floating on  
a stream must display a craft decal,--individual--craft-decal,  
or dealer or manufacturer craft decal, as appropriate, on  
each side of the forward half of the craft.

(2) Decals are valid for 1 year beginning on March 1  
of each year and must be renewed annually.

(3) The owner of a craft must apply for a decal from a

1 decal agent, as provided in [section 5], or from the  
2 department.

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10 decals upon submission of the appropriate application and  
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25 (3) All fines and bond forfeitures must be transmitted

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2 revenue fund for use by the department for purposes of  
3 [section 6].

4 Section 8. Effective date. This act is effective March  
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-End-