## HOUSE BILL NO. 314

INTRODUCED BY RANEY, FRITZ, NATHE, RYE, RYAN, HARPER, ECK, SIMON, FELAND, SCHWINDEN, GILBERT, WANZENRIED, WILSON, MCCULLOCH, KNOX, MASON, KADAS, FRANKLIN, SCHYE, STRIZICH, TOOLE, BROOKE, MCCAFFREE, SQUIRES, DOWELL, GRINDE, ENDY, RUSSELL, MENAHAN, DOLEZAL, DRISCOLL, SWANSON, HIBBARD, BRANDEWIE, GAGE, FAGG, BECK, WYATT, DOHERTY, BIRD, DAILY, BIANCHI, PECK, WELDON, CHRISTIAENS, COBB, GROSFIELD, YELLOWTAIL, LYNCH, WATERMAN, HARP, BURNETT, ZOOK, GERVAIS, BARTLETT, MERCER, J. RICE, ELLIOTT, REAM, TUSS, HANSEN

## IN THE HOUSE

JANUARY 22, 1993

FIRST READING.

ON FISH & GAME.

- JANUARY 25, 1993 ON MOTION, SPONSORS ADDED.
- FEBRUARY 18, 1993 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 19, 1993 PRINTING REPORT.
- FEBRUARY 20, 1993 SECOND READING, DO PASS.

ON MOTION, REREFERRED TO COMMITTEE ON APPROPRIATIONS.

INTRODUCED AND REFERRED TO COMMITTEE

FEBRUARY 22, 1993 ENGROSSING REPORT.

- MARCH 16, 1993 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- MARCH 17, 1993 PRINTING REPORT.

MARCH 23, 1993 SECOND READING, DO PASS.

MARCH 24, 1993 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 74; NOES, 25.

TRANSMITTED TO SENATE.

MARCH 25, 1993

## IN THE SENATE

MARCH 26, 1993

INTRODUCED AND REFERRED TO COMMITTEE

ON FISH & GAME.

FIRST READING.

.

APRIL 7, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 8, 1993	SECOND READING, CONCURRED IN.
APRIL 12, 1993	THIRD READING, CONCURRED IN. AYES, 41; NOES, 7.
	RETURNED TO HOUSE.
IN	THE HOUSE
APRIL 12, 1993	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

.

· ....

1

2

3

4

5

6

7

13

LC 1082/01

OILL BILL 1 2 INTRODUCED BY 3 DESIGNATING AND 4 ander 5 TE PARKS PRIMITIVE PARKS FOLLIDE. PRIMITIVE PARKS: 6 IG USER 7 RESIDENTS) VISIT PRI 8 USE PRIMITIVE ALT SHT NG ONRESIDENTS 9 PEE: AND AMENDING SECTION 10 11 A sitet Marca tun 12 WHEREAS, certain Montana state parks still retain the 13 unique, primarily undeveloped character for which they were 14 originally acquired; and WHEREAS, there is an abundance of other state and ·15 16 federal land that has been developed beyond its primitive 17 condition and that is readily available to the recreating 18 public: and 19 WHEREAS, there are also numerous well-developed private 20 sector recreational opportunities in Montana; and 21 WHEREAS, Montana should provide a variety of 22 recreational opportunities for its residents; and 23 WHEREAS, Montana residents have the right to use 24 primarily undeveloped state parks without regard to their 25 ability to pay; and

WHEREAS, budget constraints militate against further improvement of Montana's primarily undeveloped state parks.

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

NEW SECTION. Section 1. Short title. [Sections 1 through 4] may be cited as the "Montana Primitive Parks Act".

8 <u>NEW SECTION.</u> Section 2. Primitive parks established.
9 Because of their unique and primarily undeveloped character,
10 the following state parks and management areas are
11 designated as primitive parks and are subject to the
12 provisions of (sections 1 through 4):

- West Shore (Flathead Lake) state park;
- 14 (2) Lambeth (Lake Mary Ronan) state park;
- 15 (3) Logan state park;
- 16 (4) Thompson Falls state park;
- 17 (5) Wild Horse Island state park;
- 18 (6) Frenchtown Pond state park;
- 19 (7) Lost Creek state park;
- 20 (8) Painted Rocks state park;
- 21 (9) Ackley Lake state park;
- 22 (10) sluice boxes state park;
- 23 (11) Deadman's basin state park;
- 24 (12) Tongue River reservoir state park;
- 25 (13) Pirogue Island state park;

ana Legislative Council

INTRODUCED BILL - 2 -

### LC 1082/01

1 (14) Medicine Rocks state park;

2 (15) Headwaters state park;

5

3 (16) south end of Canyon Ferry reservoir (management
 4 area); and

(17) Thompson Chain-of-Lakes state park.

6 <u>NEW SECTION.</u> Section 3. Limit on development of 7 primitive parks. (1) As of [the effective date of this act], 8 the only development allowed in primitive parks designated 9 in [section 2] is:

10 (a) necessary improvements required to meet minimum
11 public health standards regarding sanitation, which may
12 include necessary outhouses, vaults, and water;

13 (b) improvements necessary to ensure the safe public14 use of existing boat ramps;

15 (c) addition of gravel to existing unpaved roads and 16 the resurfacing of paved roads when necessary to ensure safe 17 public access;

18 (d) establishment of new hiking trails or improvement19 of existing hiking trails; and

(e) installation of minimal signage indicating that the
park is a designated primitive park in which development has
been limited and encouraging the public to help in
maintaining the park's primitive character by packing out
trash.

25 (2) The following development of designated primitive

l parks is prohibited:

2 (a) installation of electric lines or facilities,
3 except when necessary to comply with subsection (1)(a);

4 (b) installation of recreational vehicle sanitary
5 dumpsites where they do not presently exist; and

6 (c) creation of new roads and paving of existing but7 previously unpaved roads.

8 <u>NEW SECTION.</u> Section 4. Elimination of resident user 9 fee -- fee for nonresident use -- penalty. (1) In 10 recognition of the right of Montana residents to use 11 primitive parks without regard to their ability to pay, a 12 Montana resident is not required to pay a user fee for the 13 use of any primitive park designated in [section 2].

14 (2) A nonresident who wishes to use a primitive park is
15 required to pay the state park user fees chargeable under
16 23-1-105 and is subject to the penalty set out in
17 23-1-106(3) for failure to pay applicable fees and charges.

18 Section 5. Section 23-1-106, MCA, is amended to read:

19 \*23-1-106. Rules -- penalties -- enforcement. (1) The 20 department may make rules governing the use, occupancy, and 21 protection of the lands and property under its control.

(2) Any person who injures or damages any land or
property under control of the department or <u>any</u> private
property thereon <u>on the land</u> or therein <u>the property</u> or <u>who</u>
violates any of the rules made by the department relating to

-3-

-4-

1 these areas is guilty of a misdemeanor and shall be fined
2 not more than \$500 or be imprisoned in the county jail for
3 not more than 6 months.

4 (3) <u>A nonresident who uses or attempts to use a</u> 5 primitive park designated in (section 2) without payment of 6 the user fee authorized in 23-1-105 is subject to payment of 7 an administrative civil penalty of \$100 for each incident of 8 unauthorized use.

9 (4) It is unlawful and a misdemeanor punishable as 10 provided in subsection (2) to refuse to exhibit for 11 inspection any park permit, proof of age, or proof of 12 residency upon request by a fish and game warden, park 13 ranger, or peace officer.

14 (4)(5) The department shall enforce the provisions of 15 this chapter and rules implementing this chapter. The 16 director of the department shall employ all necessary and 17 qualified personnel for enforcement purposes.

18 (5)(6) The department is a criminal justice agency for
19 the purpose of obtaining the technical assistance and
20 support services provided by the board of crime control
21 under the provisions of 44-4-301. Authorized officers of the
22 department are granted peace officer status with the power:

23 (a) of search, seizure, and arrest;

24 (b) to investigate activities in this state regulated25 by this chapter and rules of the department and the fish,

1 wildlife, and parks commission; and

2 (c) to report violations to the county attorney of the 3 county in which they occur."

4 <u>NEW SECTION.</u> Section 6. Codification instruction. 5 [Sections 1 through 4] are intended to be codified as an 6 integral part of Title 23, chapter 1, part 1, and the 7 provisions of Title 23, chapter 1, part 1, apply to 8 [sections 1 through 4].

-End-

# STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0314, as introduced.

<u>DESCRIPTION OF PROPOSED LEGISLATION</u>: An act designating and establishing certain Montana state parks as primitive parks; limiting development in primitive parks; eliminating user fees for Montana residents who visit primitive parks; and establishing a penalty for nonresidents who use primitive parks without paying the user fee.

### ASSUMPTIONS:

Department of Fish, Wildlife and Parks:

- 1. Approximately 60% of state park visitors and park revenue is generated by resident visitors.
- 2. User fees would include both entrance and camping fees. The fee concept is fair to all users.
- 3. Earned revenue at the parks listed in section 2 of the bill was approximately \$130,000 in FY92.
- 4. If the Thompson Chain of Lakes area is precluded by this bill from becoming a motorboat fishing access site, the \$450,000 adopted by the Long Range Building Subcommittee for the improvement and protection of the area could only be used for other motorboat fishing access site development. Use of federal Dingell-Johnson funds are restricted.
- 5. In the long term, money saved on development of the sites listed in this act would be redirected to the development of other sites still eligible for development.

### FISCAL IMPACT:

### <u>Revenues:</u>

		<u>FY '94</u>			FY '95		
	<u>Current Law</u>	Proposed Law	<u>Difference</u>	Current Law	Proposed Law	<u>Difference</u>	
Resident User Fees	78,000	0	(78,000)	78,000	0	(78,000)	

Net Impact: A decrease in park visitor revenue of \$78,000 each year.

DAVID LEWIS, BUDGET DIRECTOR DATE Office of Budget and Program Planning

BOB RANEY, PRIMARY SPONSOR DATE

Fiscal Note for <u>HB0314, as introduced</u>

## STATE OF MONTANA - FISCAL NOTE

## Form BD-15

## In compliance with a written request, there is hereby submitted a Fiscal Note for HB0314, third reading.

DESCRIPTION OF PROPOSED LEGISLATION: An act designating and establishing certain Montana state parks as primitive parks; limiting development in primitive parks; and eliminating certain user fees for Montana residents who visit primitive parks.

## ASSUMPTIONS:

Department of Fish, Wildlife and Parks:

- 1. Approximately 60% of state park visitors and park revenue is generated by resident visitors.
- 2. User fees would include both entrance and camping fees.
- 3. In the long term, money saved on development of the sites listed in this act would be redirected to the development of other sites still eligible for development.

## FISCAL IMPACT:

<u>Revenues:</u>

		FY '94			FY '95		
	Current Law	Proposed Law	Difference	<u>Current Law</u>	Proposed Law	<b>Difference</b>	
Resident User Fees	27,700	0	(27,700)	27,700	0	(27,700)	

Net Impact: A decrease in park visitor revenue from Montana residents who visit primitive parks of \$27,700 each year.

-97

DAVID LEWIS, BUDGET DIRECTOR DATE Office of Budget and Program Planning

BOB RANEY, PRIMARY SPONSOR DATE

Fiscal Note for <u>HB0314</u>, third reading

31

#### 53rd Legislature

#### HB 0314/02

#### APPROVED BY COMM. ON FISH AND GAME

HOUSE BILL NO. 314 1 INTRODUCED BY RANEY, FRITZ, NATHE, RYE, RYAN, HARPER, ECK, 2 3 SIMON, FELAND, SCHWINDEN, GILBERT, WANZENRIED, WILSON, MCCULLOCH, KNOX, MASON, KADAS, PRANKLIN, SCHYE, STRIZICH, 4 TOOLE, BROOKE, MCCAFFREE, SQUIRES, DOWELL, GRINDE, ENDY, 5 6 RUSSELL, MENAHAN, DOLEZAL, DRISCOLL, SWANSON, HIBBARD, 7 BRANDEWIE, GAGE, FAGG, BECK, WYATT, DOHERTY, BIRD, 8 DAILY, BIANCHI, PECK, WELDON, CHRISTIAENS, COBB, 9 GROSFIELD, YELLOWTAIL, LYNCH, WATERMAN, HARP, BURNETT, ZOOK, GERVAIS, BARTLETT, MERCER, J. RICE, ELLIOTT, 10 11 REAM, TUSS, HANSEN 12 13 A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AND ESTABLISHING CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS; 14 LIMITING DEVELOPMENT IN PRIMITIVE PARKS; AND ELIMINATING 15 USER FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS; 16 ESTABLISHING--A--PENALTY--POR-NONRESIDENTS-WHO-USE-PRIMITIVE 17 18 PARKS-WITHOUT-PAYING-THE--USER--PEE; -- AND--AMENDING--SECTION 23-1-1067-MCA." 19

20

21 WHEREAS, certain Montana state parks still retain the 22 unique, primarily undeveloped character for which they were 23 originally acquired; and

24 WHEREAS, there is an abundance of other state and 25 federal land that has been developed beyond its primitive

ontana Legislative Counci

	·
1	condition and that is readily available to the recreating
2	public; and
3	WHEREAS, there are also numerous well-developed private
4	sector recreational opportunities in Montana; and
5	WHEREAS, Montana should provide a variety of
6	recreational opportunities for its residents; and
7	WHEREAS, Montana residents have the right to use
8	primarily undeveloped state parks without regard to their
9	ability to pay; and
10	WHEREAS, budget constraints militate against further
11	improvement of Montana's primarily undeveloped state parks.
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	NEW SECTION. Section 1. short title. [Sections 1
15	through 4] may be cited as the "Montana Primitive Parks
16	Act".
17	NEW SECTION. Section 2. Primitive parks established.
18	Because of their unique and primarily undeveloped character,
19	the following state parks and management areas are
20	designated as primitive parks and are subject to the
21	provisions of [sections 1 through 4]:
22	<ol> <li>West Shore (Flathead Lake) state park;</li> </ol>
2.3	

23 (2) Lambeth (Lake Mary Ronan) state park;

24 (3)--bogan-state-park;

25 (4)[3] Thompson Falls state park;

-2-

HH 314 SECOND READING

1	<pre>t5;(4) Wild Horse Island state park;</pre>
2	<pre>t67(5) Frenchtown Pond state park;</pre>
3	<del>{</del> 7} <u>(6)</u> Lost Creek state park;
4	<pre>f8;(7) Painted Rocks state park;</pre>
5	<pre>{9}(8) Ackley Lake state park;</pre>
б	<pre>tid;(9) sluice boxes state park;</pre>
7	<pre>(11) Deadman's basin state park;</pre>
8	<pre>{12;(11) Tongue River reservoir state park;</pre>
9	(13)(12) Pirogue Island state park;
10	(14)(13) Medicine Rocks state park; AND
11	<del>(1</del> 57 <u>(14)</u> Headwaters state park <del>;</del>
12	(16)-south-end-ofCanyonPerryreservoir(management
13	area);-and
14	(17)-Phompson-Chain-of-bakes-state-park.
15	NEW SECTION. Section 3. Limit on development of
16	primitive parks. (1) As of [the effective date of this act],
17	the only development allowed in primitive parks designated
18	in {section 2] is:
19	(a) necessary improvements required to meet minimum
20	public health standards regarding sanitation, which may
21	include necessary outhouses, vaults, and water;
22	(b) improvements necessary to ensure the safe public
23	use of existing boat ramps;
24	(c) addition of gravel to existing unpaved roads and
25	the resurfacing of paved roads when necessary to ensure safe
	-3- HB 314

public access; 1 2 (d) establishment of new hiking trails or improvement 3 of existing hiking trails; and 4 (e) installation of minimal signage indicating that the park is a designated primitive park in which development has 5 been limited and encouraging the public to help in 6 7 maintaining the park's primitive character by packing out 8 trash. 9 (2) The following development of designated primitive parks is prohibited: 10 (a) installation of electric lines or facilities, 11 12 except when necessary to comply with subsection (1)(a); 13 (b) installation of recreational vehicle sanitary dumpsites where they do not presently exist; and 14

15 (c) creation of new roads and paving of existing but 16 previously unpaved roads.

17 <u>NEW SECTION.</u> Section 4. Elimination of resident user 18 fee -- fee for nonresident use -- penalty. (1) In 19 recognition of the right of Montana residents to use 20 primitive parks without regard to their ability to pay, a 21 Montana resident is not required to pay a user fee for the 22 use of any primitive park designated in [section 2].

(2) A nonresident who wishes to use a primitive park is
required to pay the state park user fees chargeable under
23-1-105 and---is--subject--to--the--penalty--set--out--in

-4-

•			
1	23-1-106(3)-for-failure-to-pay-applicable-fees-and-charges.	. 1	qualified-personnel-for-enforcement-purposes.
2	Section 5 Section -23-1-1067-MCA7-is-amended-to-read:	2	<pre>f5;<u>f6;</u>The-department-is-a-criminal-justice-agencyfor</pre>
3	<b>*23-1-106Rulespenaltiesenforcement(1)The</b>	3	thepurposeofobtainingthetechnicalassistanceand
4	departmentmay-make-rules-governing-the-use;-occupancy;-and	4	supportservicesprovidedbytheboard-of-crime-control
5	protection-of-the-lands-and-property-under-its-control-	5	under-the-provisions-of-44-4-301;-Authorized-officers-of-the
6	(2)Any-person-whoinjuresordamagesanylandor	б	department-are-granted-peace-officer-status-with-the-power:
7	propertyundercontrolofthedepartment-or- <u>any</u> -private	7	ta;of-searchy-seizurey-and-arrest;
8	property-thereon <u>on-the-land</u> -or-therein <u>the-property-orwho</u>	8	<pre>tb}to-investigate-activities-in-thisstateregulated</pre>
9	violates-any-of-the-rules-made-by-the-department-relating-to	9	$bythischapterand-rules-of-the-department-and-the-fish_7$
10	theseareasisguilty-of-a-misdemeanor-and-shall-bc-fined	10	wildlife7-and-parks-commission7-and
11	not-more-than-\$500-or-be-imprisoned-in-the-countyjailfor	11	<pre>tc)to-report-violations-to-the-county-attorney-ofthe</pre>
12	not-more-than-6-months.	12	county-in-which-they-occur-4
13	(3) <u>Anonresidentwhousesorattemptstousea</u>	13	NEW SECTION. Section 5. Codification instruction.
14	primitivepark-designated-in-facetion-2}-without-payment-of	14	[Sections 1 through 4] are intended to be codified as an
15	the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of	15	integral part of Title 23, chapter 1, part 1, and the
16	an-administrative-civil-penalty-of-\$100-for-each-incident-of	16	provisions of Title 23, chapter 1, part 1, apply to
17	unauthorized-user	17	[sections 1 through 4].
18	<u>(4)</u> It-is-unlawfulandamisdemeanorpunishableas		-End-
19	providedinsubsection(2)torefusetoexhibitfor		
20	inspection-any-parkpermit;proofofage;orproofof		
21	residencyuponrequestbyafishand-game-warden;-park		
22	ranger,-or-peace-officer.		
23	<del>(4)<u>(5)</u>The-department-shall-enforce-theprovisionsof</del>		
24	thischapterandrulesimplementingthischapterThe		
25	directorofthedepartment-shall-employ-all-necessary-and		

-5-

,

HB 314

-6-

#### 53rd Legislature

1

HB 0314/03 RE-REFERRED AND APPROVED BY COMMITTEE ON APPROPRIATIONS AS AMENDED

# HOUSE BILL NO. 314

2 INTRODUCED BY RANEY, FRITZ, NATHE, RYE, RYAN, HARPER, ECK. 3 SIMON, FELAND, SCHWINDEN, GILBERT, WANZENRIED, WILSON, MCCULLOCH, KNOX, MASON, KADAS, FRANKLIN, SCHYE, STRIZICH, 4 TOOLE, BROOKE, MCCAFFREE, SQUIRES, DOWELL, GRINDE, ENDY, 5 £ RUSSELL, MENAHAN, DOLEZAL, DRISCOLL, SWANSON, HIBBARD, BRANDEWIE, GAGE, FAGG, BECK, WYATT, DOHERTY, BIRD, 7 8 DAILY, BIANCHI, PECK, WELDON, CHRISTIAENS, COBB, 9 GROSFIELD, YELLOWTAIL, LYNCH, WATERMAN, HARP, BURNETT, 10 ZOOK, GERVAIS, BARTLETT, MERCER, J. RICE, ELLIOTT, REAM, TUSS, HANSEN 11 12

 13
 A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AND

 14
 ESTABLISHING CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS;

 15
 LIMITING DEVELOPMENT IN PRIMITIVE PARKS; AND ELIMINATING

 16
 USER FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS;

 17
 ESTABLISHING--A--PENALTY--POR-NONRESIDENTS-WHO-USE-PRIMITIVE

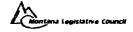
 18
 PARKS-WITHOUT-PAYING-THE--USER--PEE;--AND--AMENDING--GECTION

 19
 23-1-1067-MCA."

20

21 WHEREAS, certain Montana state parks still retain the 22 unique, primarily undeveloped character for which they were 23 originally acquired; and

24 WHEREAS, there is an abundance of other state and
25 federal land that has been developed beyond its primitive



1 condition and that is readily available to the recreating 2 public: and 3 WHEREAS, there are also numerous well-developed private 4 sector recreational opportunities in Montana; and 5 WHEREAS. Montana should provide a variety of 6 recreational opportunities for its residents; and 7 Montana residents have the right to use WHEREAS, primarily undeveloped state parks without regard to their 8 9 ability to pay; and 10 WHEREAS, budget constraints militate against further 11 improvement of Montana's primarily undeveloped state parks. 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 14 NEW SECTION. Section 1. Short title. Sections 1 15 through 4] may be cited as the "Montana Primitive Parks 16 Act". 17 NEW SECTION. Section 2. Primitive parks established. Because of their unique and primarily undeveloped character, 18 19 the following state parks and management areas are 20 designated as primitive parks and are subject to the 21 provisions of [sections 1 through 4]: 22 tlj--West-Shore-{Plathead-bake}-state-park;

23 (2)(1) Lambeth (Lake Mary Ronan) state park;

-2-

24 t3)--bogan-state-park;

25

t4j<u>f3j(2)</u> Thompson Falls state park;

HB 0314/03

HB 314 SECOND READING SECOND PRINTING

1 t5;t4;(3) Wild Horse Island state park; 2 (6)(5) Prenchtown-Pond-state-park; 3 +7+6+(4) Lost Creek state park; (8)(7)(5) Painted Rocks state park; 5 f9;f8;(6) Ackley Lake state park; ti0;t9;t9;t7) sluice boxes state park; 6 7 tilt(8) Deadman's basin state park; 8 ti2;tii; Ponque-River-reservoir-state-park; 9 +13++12+(9) Piroque Island state park; 10 tid+tid+(10) Medicine Rocks state park; AND +15++14+(11) Headwaters state park;; 11 (12) COUNCIL GROVE STATE PARK; 12 13 (13) BEAVERHEAD ROCK STATE PARK; 14 (14) NATURAL BRIDGE STATE PARK; AND 15 (15) MADISON BUFFALO JUMP STATE PARK 16 {16}-south-end-of--Canyon--Perry--reservoir--{management 17 area);-and 18 (17)-Thompson-Chain-of-Lakes-state-park. NEW SECTION. Section 3. Limit on development of 19 20 primitive parks. (1) As of [the effective date of this act], 21 the only development allowed in primitive parks designated in [section 2] is: 22 23 (a) necessary improvements required to meet minimum 24 public health standards regarding sanitation, which may 25 include necessary ACCESS TO outhouses, vaults, and water;

1 (b) improvements necessary to ensure the safe public 2 use of existing boat ramps; 3 (c) addition of gravel to existing unpaved roads and 4 the resurfacing of paved roads when necessary to ensure safe 5 public access: (d) establishment of new hiking trails or improvement 6 7 of existing hiking trails; and (e) installation of minimal signage indicating that the 8 park is a designated primitive park in which development has 9 been limited and encouraging the public to help in 10 11 maintaining the park's primitive character by packing out 12 trash. (2) The following development of designated primitive 13 14 parks is prohibited: 15 (a) installation of electric lines or facilities, except when necessary to comply with subsection (1)(a); 16 17 (b) installation of recreational vehicle sanitary dumpsites where they do not presently exist; and 18 19 (c) creation of new roads and paving of existing but 20 previously unpaved roads. NEW SECTION. Section 4. Elimination of resident user 21 22 fee -- fee for nonresident use -- penalty. (1) In recognition of the right of Montana residents to use 23 primitive parks without regard to their ability to pay, a 24 Montana resident is not required to pay a user fee for the 25

-4-

-3-

HB 314

HB 314

1 2

3

4

5 6

7

8

9

10

11

12

1	use of any primitive park designated in [section 2], EXCEPT
2	THAT THE DEPARTMENT MAY CHARGE CAMPING FEES AT THOMPSON
3	PALLS STATE PARK AND HEADWATERS STATE PARK.
4	(2) A nonresident who wishes to use a primitive park is
5	required to pay the state park user fees chargeable under
6	23-1-105 andissubjecttothepenaltysetoutin
7	23-1-106 <del>(3)</del> -for-failure-to-pay-applicable-fees-and-charges.
8	Section 5 Section -23-1-1067-MCA7-is-amended-to-read:
9	23-1-106Rulespenaltiesenforcement(1)The
10	departmentmay-make-rules-governing-the-use7-occupancy7-and
11	protection-of-the-lands-and-property-under-its-control-
12	<pre>(2)Any-person-whoinjuresordamagesanyiandor</pre>
13	propertyundercontrolofthedepartment-or- <u>any</u> -private
14	property-thereon on-the-land-or-therein the-property-orwho
15	violates-any-of-the-rules-made-by-the-department-relating-to
16	these-areas-isguilty-of-a-misdemeanor-and-shall-be-fined
17	not-more-than-\$500-or-be-imprisoned-in-the-countyjailfor
18	not-more-than-6-months.
19	(3)Anonresidentwhousesorattemptstousea
20	primitivepark-designated-in-{section-2}-without-payment-of
21	the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of
22	an-administrative-civil-penalty-of-\$100-for-each-incident-of
23	unauthorized-use.
24	<u>(4)</u> It-is-unlawfulanda-misdemeanorpunishableas

provided---in--subsection--(2)--to--refuse--to--exhibit--for 25

-5-

inspection-any-park--permit;--proof--of--age;--or--proof--of residency--upon--request--by--a--fish--and-game-warden7-park rangery-or-peace-officer. (4)(5)--The-department-shall-enforce-the--provisions--of this--chapter--and--rules--implementing--this--chapter---The director--of--the--department-shall-employ-all-necessary-and qualified-personnel-for-enforcement-purposesf5;f6;--The-department-is-a-criminal-justice-agency--for the--purpose--of--obtaining--the--technical--assistance--and support--services--provided--by--the--board-of-crime-control under-the-provisions-of-44-4-301--Authorized-officers-of-the department-are-granted-peace-officer-status-with-the-power+ (a)--of-searchy-seizurey-and-arresty

13

14 (b)--to-investigate-activities-in-this--state--regulated

by--this--chapter--and-rules-of-the-department-and-the-fish7 15

16 wildlifey-and-parks-commission;-and

(c)--to-report-violations-to-the-county-attorney-of--the 17 county-in-which-they-occur-# 18

19 NEW SECTION. Section 5. Codification instruction. 20 [Sections 1 through 4] are intended to be codified as an 21 integral part of Title 23, chapter 1, part 1, and the 22 provisions of Title 23, chapter 1, part 1, apply to 23 [sections 1 through 4].

-End-

-6-

.

5

## HB 0314/02

Luontana Legislative Council

1	HOUSE BILL NO. 314	1	condition and that is readily available to the recreating
2	INTRODUCED BY RANEY, FRITZ, NATHE, RYE, RYAN, HARPER, ECK,	2	public; and
3	SIMON, FELAND, SCHWINDEN, GILBERT, WANZENRIED, WILSON,	3	WHEREAS, there are also numerous well-developed private
4	MCCULLOCH, KNOX, MASON, KADAS, FRANKLIN, SCHYE, STRIZICH,	4	sector recreational opportunities in Montana; and
5	TOOLE, BROOKE, MCCAFFREE, SQUIRES, DOWELL, GRINDE, ENDY,	5	WHEREAS, Montana should provide a variety of
6	RUSSELL, MENAHAN, DOLEZAL, DRISCOLL, SWANSON, HIBBARD,	6	recreational opportunities for its residents; and
7	BRANDEWIE, GAGE, FAGG, BECK, WYATT, DOHERTY, BIRD,	7	WHEREAS, Montana residents have the right to use
8	DAILY, BIANCHI, PECK, WELDON, CHRISTIAENS, COBB,	8	primarily undeveloped state parks without regard to their
9	GROSFIELD, YELLOWTAIL, LYNCH, WATERMAN, HARP, BURNETT,	9	ability to pay; and
10	ZOOK, GERVAIS, BARTLETT, MERCER, J. RICE, ELLIOTT,	10	WHEREAS, budget constraints militate against further
11	REAM, TUSS, HANSEN	11	improvement of Montana's primarily undeveloped state parks.
12		12	
13	A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AND	13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	ESTABLISHING CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS;	14	NEW SECTION. Section 1. Short title. [Sections 1
15	LIMITING DEVELOPMENT IN PRIMITIVE PARKS; AND ELIMINATING	15	through 4] may be cited as the "Montana Primitive Parks
16	USER FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS;	16	Act".
17	establishingapenaltypor-nonregidentg-who-use-primitive	17	NEW SECTION. Section 2. Primitive parks established.
18	Parks-w <del>ithou</del> t-pating-theuser-~pee;and <b>amending</b> section	18	Because of their unique and primarily undeveloped character.
19	23-1-1067-MCA."	19	the following state parks and management areas are
20		20	designated as primitive parks and are subject to the
21	WHEREAS, certain Montana state parks still retain the	21	provisions of (sections 1 through 4):
22	unique, primarily undeveloped character for which they were	22	<ol> <li>West Shore (Flathead Lake) state park;</li> </ol>
23	originally acquired; and	23	(2) Lambeth (Lake Mary Ronan) state park;
24	WHEREAS, there is an abundance of other state and	24	t3)bogan-state-park;
25	federal land that has been developed beyond its primitive	25	f#t(3) Thompson Falls state park:

25 (4)(3) Thompson Falls state park;

HB 314

THIRD READING

-2-

1

2

3

۸

5

6

7

8

9

10

11

12

13

14

15

16

17

public access;

2 (6)(5) Frenchtown Pond state park;
3 (7)(6) Lost Creek state park;

{5}(4) Wild Horse Island state park:

4 +8+(7) Painted Rocks state park;

5 <del>(9)(8)</del> Ackley Lake state park;

6 (10)(9) sluice boxes state park;

7 (11) Deadman's basin state park;

8 (12)(11) Tongue River reservoir state park;

9 (13)(12) Pirogue Island state park;

11 +157(14) Headwaters state park;

12 (16)-south-end-of--Canyon--Perry--reservoir--(management

13 area;7-and

1

14 (17)-Thompson-Chain-of-bakes-state-park.

15 <u>NEW SECTION.</u> Section 3. Limit on development of primitive parks. (1) As of [the effective date of this act], 17 the only development allowed in primitive parks designated 18 in [section 2] is:

(a) necessary improvements required to meet minimum
 public health standards regarding sanitation, which may
 include necessary outhouses, vaults, and water;

(b) improvements necessary to ensure the safe public
use of existing boat ramps;

(c) addition of gravel to existing unpaved roads and
 the resurfacing of paved roads when necessary to ensure safe

-3-

HB 314

of existing hiking trails; and (e) installation of minimal signage indicating that the park is a designated primitive park in which development has been limited and encouraging the public to help in maintaining the park's primitive character by packing out trash. (2) The following development of designated primitive parks is prohibited: (a) installation of electric lines or facilities, except when necessary to comply with subsection (1)(a); (b) installation of recreational vehicle sanitary dumpsites where they do not presently exist; and (c) creation of new roads and paving of existing but previously unpaved roads. NEW SECTION. Section 4. Elimination of resident user fee for nonresident use -- penalty. (1) In fee --

(d) establishment of new hiking trails or improvement

18 fee -- fee for nonresident use -- penalty. (1) In 19 recognition of the right of Montana residents to use 20 primitive parks without regard to their ability to pay, a 21 Montana resident is not required to pay a user fee for the 22 use of any primitive park designated in [section 2].

(2) A nonresident who wishes to use a primitive park is
 required to pay the state park user fees chargeable under
 23-1-105 and---is--subject--to--the--penalty--set--out--in

-4-

HB 314

1

2

1	23-1-106(3)-for-failure-to-pay-applicable-fees-and-charges.
2	Section 5 Section - 23-1-1867-MEAy-is-amended-to-read:
3	#23-1-106Rulespenaltiesenforcement(1)The
4	departmentmay-make-rules-governing-the-user-occupancyr-and
5	protection-of-the-lands-and-property-under-its-control-
6	<del>(2)</del> Any-person-whoinjuresordamagesanyiandor
7	propertyundercontrolofthedepartment-or- <u>any-private</u>
8	property-thereon <u>on-the-land</u> -or-therein <u>the-property-orwho</u>
9	violates-any-of-the-rules-made-by-the-department-relating-to
10	theseareasisguilty-of-a-misdemeanor-and-shall-be-fined
11	not-more-than-\$500-or-be-imprisoned-in-the-countyjailfor
12	not-more-than-6-months.
13	t3)Amonresidentwhousesorattemptstousea
13	(5) A HONTESIGENT WHO GEES OF ALLEMPTS TO USE B
14	primitivepark-designated-in-{section-2}-without-payment-of
14	primitivepark-designated-in-{section-2}-without-payment-of
14 15	primitivepark-designated-in-{section-2}-without-payment-of the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of
14 15 16	primitivepark-designated-in-{section-2}-without-payment-of the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of an-administrative-civil-penalty-of-\$100-for-each-incident-of
14 15 16 17	primitivepark-designated-in-{section-2}-without-payment-of the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of an-administrative-civil-penalty-of-\$100-for-each-incident-of unauthorized-use-
14 15 16 17 18	primitivepark-designated-in-{section-2}-without-payment-of the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of an-administrative-civit-penalty-of-\$100-for-each-incident-of unauthorized-use- <u>t41</u> it-is-unlawfulandamisdemeanorpunishableas
14 15 16 17 18 19	primitivepark-designated-in-{section-2}-without-payment-of the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of an-administrative-civil-penalty-of-\$100-for-each-incident-of unauthorized-user iddyit-is-unlawfulandamisdemeanorpunishableas providedinsubsection{2}torefusetoexhibitfor
14 15 16 17 18 19 20	primitivepark-designated-in-{section-2}-without-payment-of the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of an-administrative-civil-penalty-of-\$100-for-each-incident-of unauthorized-use- <u>t41</u> it-is-unlawfulandamisdemeanorpunishableas providedinsubsection{21torefusetoexhibitfor inspection-any-parkpermit7proofofage7orproofof
14 15 16 17 18 19 20 21	primitive-park-designated-in-{section-2}-without-payment-of the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of an-administrative-civil-penalty-of-\$t00-for-each-incident-of unauthorized-use; idjit-is-unlawfulandamisdemeanorpunishableas providedinsubsection{2}-torefusetoexhibitfor inspection-any-parkpermityproofofageyorproofof residencyuponrequestbyafishand-game-wardeny-park
14 15 16 17 18 19 20 21 21 22	primitivepark-designated-in-{section-2}-without-payment-of the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of an-administrative-civil-penalty-of-\$100-for-each-incident-of unauthorized-user <u>t4</u> it-is-unlawfulandamisdemeanorpunishableas providedinsubsection{2}torefusetoexhibitfor inspection-any-parkpermit7proofofage7orproofof residencyuponrequestbyafishand-game-warden7-park ranger7-or-peace-officer7
14 15 16 17 18 19 20 21 22 23	primitive-park-designated-in-{section-2}-without-payment-of the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of an-administrative-civil-penalty-of-\$100-for-each-incident-of unauthorized-use; (4)it-is-unlawfulandamisdemeanorpunishableas providedinsubsection(2)torefusetoexhibitfor inspection-any-parkpermityproofofage;orproofof residencyuponrequestbyafishand-game-warden;-park range;-or-peace-office; (4)(5)The-department-shall-enforce-theprovisionsof

\*

-5-

qualified-personnel-for-enforcement-purposes: (5)<u>(6)</u>--The-department-is-a-criminal-justice-agency--for

- 3 the--purpose--of--obtaining--the--technical--assistance--and
- 4 Support--services--provided--by--the--board-of-crime-control
- 5 under-the-provisions-of-44-4-301:-Authorized-officers-of-the
- 6 department-are-granted-peace-officer-status-with-the-power:
- 7 ta)--of-searchy-seisurey-and-arrest;
- 8 (b)--to-investigate-activities-in-this--state--regulated
- 9 by--this--chapter--and-rules-of-the-department-and-the-fish;
- 10 wildlifey-and-parks-commission;-and
- 11 (c)--to-report-violations-to-the-county-attorney-of--the
- 12 county-in-which-they-occurr\*
- 13NEW SECTION.Section 5.Codificationinstruction.14[Sections 1 through 4] are intended to be codified as an15integral part of Title 23, chapter 1, part 1, and the16provisions of Title 23, chapter 1, part 1, apply to17[sections 1 through 4].

-End-

-6-

.

÷

# HB 0314/03

1	HOUSE BILL NO. 314	1	condition and that is readily available to the recreating
2	INTRODUCED BY RANEY, FRITZ, NATHE, RYE, RYAN, HARPER, ECK,	2	public; and
3	SIMON, FELAND, SCHWINDEN, GILBERT, WANZENRIED, WILSON,	3	WHEREAS, there are also numerous well-developed private
4	MCCULLOCH, KNOX, MASON, KADAS, FRANKLIN, SCHYE, STRIZICH,	4	sector recreational opportunities in Montana; and
5	TOOLE, BROOKE, MCCAFFREE, SQUIRES, DOWELL, GRINDE, ENDY,	5	WHEREAS, Montana should provide a variety of
6	RUSSELL, MENAHAN, DOLEZAL, DRISCOLL, SWANSON, HIBBARD,	6	recreational opportunities for its residents; and
7	BRANDEWIE, GAGE, FAGG, BECK, WYATT, DOHERTY, BIRD,	7	WHEREAS, Montana residents have the right to use
8	DAILY, BIANCHI, PECK, WELDON, CHRISTIAENS, COBB,	8	primarily undeveloped state parks without regard to their
9	GROSFIELD, YELLOWTAIL, LYNCH, WATERMAN, HARP, BURNETT,	9	ability to pay; and
10	ZOOK, GERVAIS, BARTLETT, MERCER, J. RICE, ELLIOTT,	10	WHEREAS, budget constraints militate against further
11	REAM, TUSS, HANSEN	11	improvement of Hontana's primarily undeveloped state parks.
12		12	
13	A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AND	13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	ESTABLISHING CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS;	14	NEW SECTION. Section 1. Short title. [Sections 1
15	LIMITING DEVELOPMENT IN PRIMITIVE PARKS; AND ELIMINATING	15	through 4] may be cited as the "Montana Primitive Parks
16	USER FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS;	16	Act".
17	establishingApenaltypor-nonresidents-who-use-primitive	17	NEW SECTION. Section 2. Primitive parks established.
18	Parks-Without-Pating-theUserP88;AndAmendingSection	18	Because of their unique and primarily undeveloped character,
19	23-1-1067-MCA."	19	the following state parks and management areas are
20		20	designated as primitive parks and are subject to the
21	WHEREAS, certain Montana state parks still retain the	21	provisions of [sections 1 through 4]:
22	unique, primarily undeveloped character for which they were	22	<pre>flyWest-Shore-{Plathead-bake}-state-park;</pre>
23	originally acquired; and	23	<pre>table block (Finishead Bake) state park; t2)(1) Lambeth (Lake Mary Ronan) state park;</pre>
24	WHEREAS, there is an abundance of other state and	24	(3)-bogan-state-park;
25	federal land that has been developed beyond its primitive	25	<pre>(3) Logan state-park; (4)<u>(3)(2)</u> Thompson Falls state park;</pre>
	Chierrana Lagestative Council		-2- HB 314

THIRD READING SECOND PRINTING

1	<pre>f5+<u>f4+(3)</u> Wild Horse Island state park;</pre>
2	<pre>t6)<u>t5)</u> Prenchtown-Pond-state-park;</pre>
3	<pre>{7)<u>{6}(4)</u> Lost Creek state park;</pre>
4	<del>{0}<u>{</u>7}(5)</del> Painted Rocks state park;
5	<del>{9}]<u>{8</u>][6]</del> Ackley Lake state park;
6	<pre>tid;tid;tid;tid;tid;tid;tid;tid;tid;tid;</pre>
7	<del>(11)(1)</del> Deadman's basin state park;
8	<u> </u>
9	<pre>t+3;t+2;(9) Pirogue Island state park;</pre>
10	<del>(14)<u>(13)(10)</u> Med</del> icine Rocks state park; <u>ANB</u>
11	<del>(15)<u>(14)(11)</u> Headwaters</del> state park <del>7;</del>
12	(12) COUNCIL GROVE STATE PARK;
13	(13) BEAVERHEAD ROCK STATE PARK;
14	(14) NATURAL BRIDGE STATE PARK; AND
15	(15) MADISON BUFFALO JUMP STATE PARK
16	<del>(16)</del> -south-end-ofCanyonPerryreservoir(management
17	area;;-and
18	<del>(17)</del> -Thompson-Chain-of-Dakes-state-park.
19	NEW SECTION. Section 3. Limit on development of
20	primitive parks. (1) As of [the effective date of this act],
21	the only development allowed in primitive parks designated
22	in [section 2] is:
23	(a) necessary improvements required to meet minimum

(a) necessary improvements required to meet minimum
 public health standards regarding sanitation, which may
 include necessary <u>ACCESS TO</u> outhouses, vaults, and water;

~

(b) improvements necessary to ensure the safe public
 use of existing boat ramps;

3 (c) addition of gravel to existing unpaved roads and
4 the resurfacing of paved roads when necessary to ensure safe
5 public access;

6 (d) establishment of new hiking trails or improvement
7 of existing hiking trails; and

8 (e) installation of minimal signage indicating that the 9 park is a designated primitive park in which development has 10 been limited and encouraging the public to help in 11 maintaining the park's primitive character by packing out 12 trash.

13 (2) The following development of designated primitive14 parks is prohibited:

15 (a) installation of electric lines or facilities,
16 except when necessary to comply with subsection (l)(a);

17 (b) installation of recreational vehicle sanitary18 dumpsites where they do not presently exist; and

(c) creation of new roads and paving of existing butpreviously unpaved roads.

21 <u>NEW SECTION.</u> Section 4. Elimination of resident user 22 fee -- fee for nonresident use -- penalty. (1) In 23 recognition of the right of Montana residents to use 24 primitive parks without regard to their ability to pay, a 25 Montana resident is not required to pay a user fee for the

-3-

1	use of any primitive park designated in [section 2], EXCEPT
2	THAT THE DEPARTMENT MAY CHARGE CAMPING FEES AT THOMPSON
3	FALLS STATE PARK AND HEADWATERS STATE PARK.
4	(2) A nonresident who wishes to use a primitive park is
5	required to pay the state park user fees chargeable under
6	23-1-105 andissubjecttothepenaitysetoutin
7	23-1-106(3)-for-failure-to-pay-applicable-fees-and-charges.
8	Section-5Section-23-1-1067-MCA7-is-amended-to-read:
9	*23-1-106Rulespenaltiesenforcement(1)The
10	departmentmay-make-rules-governing-the-use7-occupancy7-and
11	protection-of-the-lands-and-property-under-its-control.
12	{2}Any-person-whoinjuresordamagesanylandor
13	propertyundercontrolofthedepartment-or- <u>any</u> -private
14	property-thereon on-the-land-or-therein the-property-orwho
15	violates-any-of-the-rules-made-by-the-department-relating-to
16	theseareasisguilty-of-a-misdemeanor-and-shall-be-fined
17	not-more-than-\$500-or-be-imprisoned-in-the-countyjailfor
18	not-more-than-6-months.
19	(3) <u>Amonresidentwhousesorattemptstousea</u>
20	primitivepark-designated-in-(section-2)-without-payment-of
21	the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of
22	an-administrative-civil-penalty-of-\$100-for-each-incident-of
23	unauthorized-user
24	<u>{4}</u> It-is-unlawfulandamisdemeanorpunishableas
25	providedinsubsection{?}torefusetoexhibitfor

1 inspection-any-park--permity--proof--of--agey--or--proof--of 2 residency--upon--request--by--a--fish--and-game-wardeny-park 3 rangery-or-peace-officer. 4 t4)<u>t5</u>--The-department-shall-enforce-the--provisions--of 5 this--chapter--and--rules--implementing--this--chapter--The director--of--the--department-shall-employ-all-necessary-and 6 7 qualified-personnel-for-enforcement-purposest 8 (5)<u>(6)</u>--The-department-is-a-criminal-justice-agency--for 9 the--purpose--of--obtaining--the--technical--assistance--and 10 support--services--provided--by--the--board-of-crime-control 11 under-the-provisions-of-44-4-301-Authorized-officers-of-the 12 department-are-granted-peace-officer-status-with-the-power: 13 taj--of-searchy-seizurey-and-arrest; 14 tb;---to-investigate-activities-in-this--state--regulated by--this--chapter--and-rules-of-the-department-and-the-fishy 15 16 wildlife;-and-parks-commission;-and 17 fc}--to-report-violations-to-the-county-attorney-of--the 18 county-in-which-they-occurr\* 19 NEW SECTION. Section 5. Codification instruction. [Sections 1 through 4] are intended to be codified as an 20 21 integral part of Title 23, chapter 1, part 1, and the provisions of Title 23, chapter 1, part 1, apply to 22 23 [sections 1 through 4].

-End-

-5-

HB 314

-6-

a Logislative Council

1	HOUSE BILL NO. 314	
2	INTRODUCED BY RANEY, FRITZ, NATHE, RYE, RYAN, HARPER, ECK,	
3	SINON, PELAND, SCHWINDEN, GILBERT, WANZENRIED, WILSON,	
4	MCCULLOCH, KNOX, MASON, KADAS, FRANKLIN, SCHYE, STRIZICH,	
5	TOOLE, BROOKE, MCCAFFREE, SQUIRES, DOWELL, GRINDE, ENDY,	
6	RUSSELL, MENAHAN, DOLEZAL, DRISCOLL, SWANSON, HIBBARD,	
7	BRANDEWIE, GAGE, FAGG, BECK, WYATT, DOHERTY, BIRD,	
8	DAILY, BIANCHI, PECK, WELDON, CHRISTIAENS, COBB,	
9	GROSPIELD, YELLOWTAIL, LYNCH, WATERMAN, HARP, BURNETT,	
10	200K, GERVAIS, BARTLETT, MERCER, J. RICE, ELLIOTT,	1
11	REAM, TUSS, HANSEN	1
12		1:
13	A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AND	1
14	ESTABLISHING CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS;	1
15	LINITING DEVELOPMENT IN PRIMITIVE PARKS; AND ELIMINATING	1
16	USER FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS;	10
17	BSTABLISHINGAPENALTYPOR-NONREGIDENTS-WHO-USE-PRIMITIVE	. <b>1</b> .
18	Parks-Without-Paying-TheUserFregAndAmendingSection	10
19	23-1-1067-MCA.	19
20		20
21	WHEREAS, certain Montana state parks still retain the	2

WHEREAS, certain Montana state parks still retain the
 unique, primarily undeveloped character for which they were
 originally acquired; and

24 WHEREAS, there is an abundance of other state and25 federal land that has been developed beyond its primitive

1	condition and that is readily available to the recreating
2	public; and
3	WHEREAS, there are also numerous well-developed private
4	sector recreational opportunities in Montana; and
5	WHEREAS, Montana should provide a variety of
6	recreational opportunities for its residents; and
7	WHEREAS, Montana residents have the right to use
8	primarily undeveloped state parks without regard to their
9	ability to pay; and
10	WHEREAS, budget constraints militate against further
11	improvement of Montana's primarily undeveloped state parks.
12	
13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	NEW SECTION. Section 1. Short title. [Sections 1
15	through 4] may be cited as the "Montana Primitive Parks
16	Act".
17	NEW SECTION. Section 2. Primitive parks established.
18	Because of their unique and primarily undeveloped character,
19	the following state parks and management areas are
20	designated as primitive parks and are subject to the
21	provisions of [sections 1 through 4]:
22	+1)West-Shore-{Plathead-bake}-state-park;

- 23 t2)(1) Lambeth (Lake Mary Ronan) state park;
- 24 <del>(3)</del>--bogan-state-park;
- 25 +4++3+(2) Thompson Falls state park;

٠L

4\*\*

-2-

#### HB 0314/03

{5;{4;(3) Wild Horse Island state park; 1 (6)(5) Prenchtown-Pond-state-park; 2 з +7++6+(4) Lost Creek state park; (6)+(5) Painted Rocks state park; 5 {9}(6) Ackley Lake state park; ti0;t9;t9;t7) sluice boxes state park; 6 7 (11)(10)(0) Deadman's basin state park; ti2;tii; Tongue-River-reservoir-state-park; A 9 +13++12+(9) Piroque Island state park; ti4+fi3>(10) Medicine Rocks state park; AND 10 11 ti5;ti4;(11) Headwaters state park;; 12 (12) COUNCIL GROVE STATE PARK; 13 (13) BEAVERHEAD ROCK STATE PARK; 14 (14) NATURAL BRIDGE STATE PARK; AND 15 (15) MADISON BUPPALO JUMP STATE PARK 16 (16)-south-end-of--Canyon--Perry--reservoir---(management 17 areat;-and (17)-Thompson-Chain-of-bakes-state-park. 18 NEW SECTION. Section 3. Limit on development of 19 20 primitive parks. (1) As of [the effective date of this act], the only development allowed in primitive parks designated 21 22 in [section 2] is: (a) necessary improvements required to meet minimum 23 24 public health standards regarding sanitation, which may 25 include necessary ACCESS TO outhouses, vaults, and water; HB 314 -3-

(b) improvements necessary to ensure the safe public
 use of existing boat ramps;

3 (c) addition of gravel to existing unpaved roads and
4 the resurfacing of paved roads when necessary to ensure safe
5 public access;

6 (d) establishment of new hiking trails or improvement
7 of existing hiking trails; and

8 (e) installation of minimal signage indicating that the 9 park is a designated primitive park in which development has 10 been limited and encouraging the public to help in 11 maintaining the park's primitive character by packing out 12 trash.

13 (2) The following development of designated primitive14 parks is prohibited:

15 (a) installation of electric lines or facilities,
16 except when necessary to comply with subsection (1)(a);

17 (b) installation of recreational vehicle sanitary
 18 dumpsites where they do not presently exist; and

19 (c) creation of new roads and paving of existing but20 previously unpaved roads.

21 <u>NEW SECTION.</u> Soction 4. Elimination of resident user 22 fee -- fee for nonresident use -- penalty. (1) In 23 recognition of the right of Montana residents to use 24 primitive parks without regard to their ability to pay, a 25 Nontana resident is not required to pay a user fee for the

-4-

1	use of any primitive park designated in [section 2], EXCEPT
2	THAT THE DEPARTMENT MAY CHARGE CAMPING FEES AT THOMPSON
3	PALLS STATE PARK AND HEADWATERS STATE PARK.
4	(2) A nonresident who wishes to use a primitive park is
5	required to pay the state park user fees chargeable under
6	23-1-105 andissubjecttothepenaitysetoutin
7	23-1-106(3)-for-failure-to-pay-applicable-fees-and-charges.
8	Section 5 Section - 23-1-1067-NCA7-1s-amended-to-read
9	#23-1-106Rulespenaltiesenforcement(1)The
10	departmentmay-make-rules-governing-the-use7-occupancy7-and
11	protection-of-the-lands-and-property-under-its-control-
12	<del>{2}Any-person-whoinjuresordamagesanyiandor</del>
13	property-undercontrolofthedepartment-or- <u>any</u> -private
14	property-thereon on-the-land-or-therein the-property-orwho
15	violates-any-of-the-rules-made-by-the-department-relating-to
16	theseareasisguilty-of-a-misdemeanor-and-shall-be-fined
17	not-more-than-\$588-or-be-imprisoned-in-the-countyjailfor
18	not-more-than-6-monthar
19	(3) <u>Anonresidentwhousesorattemptstousea</u>
20	primitivepark-designated-in-fsection-2]-without-payment-of
21	the-user-fee-authorized-in-23-1-105-is-subject-to-payment-of
22	an-administrative-civil-penalty-of-\$100-for-each-incident-of
23	unauthorized-user
24	<u> </u>
25	providedinaubsectionf2}torefusetoexhibitfor

.

	· · · · · · · · · · · · · · · · · · ·
1	inspection-any-parkpermityproofofageyorproofof
2	residencyuponrequestbyafishand-game-wardeny-park
3	rangery-or-peace-officer.
4	f# <u>}f5</u> The-department-shall-enforce-theprovisionsof
5	thischapterandrulesimplementingthischapterThe
6	directorofthedepartment-shall-employ-all-necessary-and
7	qualified-personnel-for-enforcement-purposes-
8	f5) <u>f6)</u> The-department-is-a-criminal-justice-agencyfor
9	thepurposeofobtainingthetechnicalassistanceand
10	supportservicesprovidedbytheboard-of-crime-control
11	under-the-provisions-of-44-4-3017-Authorised-officers-of-the
12	department-are-granted-peace-officer-status-with-the-powerr
13	ta)of-searchy-seizurey-and-arrest;
14	{b}to-investigate-activities-in-thisstateregulated
15	bythischapterand-rules-of-the-department-and-the-fishy
16	wildlife;-and-parks-commission;-and
17	fe}-to-report-violations-to-the-county-attorney-ofthe
18	county-in-which-they-occur."
19	NEW SECTION. Section 5. Codification instruction.
20	[Sections 1 through 4] are intended to be codified as an
21	integral part of Title 23, chapter 1, part 1, and the
22	provisions of Title 23, chapter 1, part 1, apply to

.

-End-

[sections 1 through 4].

23

-5-

HB 314

-6-

HB 314

HB 0314/03