

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	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
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.
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.
MARCH 25, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE
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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 House BILL NO. 314
 2 INTRODUCED BY Raney Smith W. Lynn
 3 W. Lynn W. Lynn W. Lynn W. Lynn
 4 A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AND
 5 ESTABLISHING CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS;
 6 LIMITING DEVELOPMENT IN PRIMITIVE PARKS; ELIMINATING USER
 7 FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS;
 8 ESTABLISHING A PENALTY FOR NONRESIDENTS WHO USE PRIMITIVE
 9 PARKS WITHOUT PAYING THE USER FEE; AND AMENDING SECTION
 10 23-1-106, MCA."

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

14 WHEREAS, there is an abundance of other state and
 15 federal land that has been developed beyond its primitive
 16 condition and that is readily available to the recreating
 17 public; and

18 WHEREAS, there are also numerous well-developed private
 19 sector recreational opportunities in Montana; and

20 WHEREAS, Montana should provide a variety of
 21 recreational opportunities for its residents; and

22 WHEREAS, Montana residents have the right to use
 23 primarily undeveloped state parks without regard to their
 24 ability to pay; and

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

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

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

7 NEW SECTION. **Section 2.** Primitive parks established.
 8 Because of their unique and primarily undeveloped character,
 9 the following state parks and management areas are
 10 designated as primitive parks and are subject to the
 11 provisions of [sections 1 through 4]:

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

- 1 (14) Medicine Rocks state park;
- 2 (15) Headwaters state park;
- 3 (16) south end of Canyon Ferry reservoir (management
- 4 area); and
- 5 (17) Thompson Chain-of-Lakes state park.

6 **NEW SECTION. 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 public
 14 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 improvement
 19 of existing hiking trails; and

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

25 (2) The following development of designated primitive

1 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 but
 7 previously unpaved roads.

8 **NEW SECTION. 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.

22 (2) Any person who injures or damages any land or
 23 property under control of the department or any private
 24 property thereon on the land or therein the property or who
 25 violates any of the rules made by the department relating to

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) A nonresident who uses or attempts to use a
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 ~~††~~(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 regulated
25 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 NEW SECTION. 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.

DESCRIPTION OF PROPOSED LEGISLATION: 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:Revenues:

	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<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 1-28-93

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

BOB RANEY, PRIMARY SPONSOR DATE

Fiscal Note for HB0314, as introduced

HB 314

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:Revenues:

	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
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.

David Lewis 4-8-93

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

Bob Raney 4/8/93

BOB RANEY, PRIMARY SPONSOR DATE

Fiscal Note for HB0314, third reading

HB 314 #2

APPROVED BY COMM.
ON FISH AND GAME

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,
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A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AND
ESTABLISHING CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS;
LIMITING DEVELOPMENT IN PRIMITIVE PARKS; AND ELIMINATING
USER FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS;
~~ESTABLISHING--A--PENALTY--FOR--NONRESIDENTS--WHO--USE--PRIMITIVE~~
~~PARKS--WITHOUT--PAYING--THE--USER--FEE;--AND--AMENDING--SECTION~~
~~23-1-1067--MCA."~~

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

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

condition and that is readily available to the recreating
public; and

WHEREAS, there are also numerous well-developed private
sector recreational opportunities in Montana; and

WHEREAS, Montana should provide a variety of
recreational opportunities for its residents; and

WHEREAS, Montana residents have the right to use
primarily undeveloped state parks without regard to their
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".

NEW SECTION. **Section 2.** Primitive parks established.
Because of their unique and primarily undeveloped character,
the following state parks and management areas are
designated as primitive parks and are subject to the
provisions of [sections 1 through 4]:

- (1) West Shore (Flathead Lake) state park;
- (2) Lambeth (Lake Mary Ronan) state park;
- ~~(3) Bogan state park;~~
- ~~(4) [3] Thompson Falls state park;~~

1 ~~†5†~~(4) Wild Horse Island state park;
 2 ~~†6†~~(5) Frenchtown Pond state park;
 3 ~~†7†~~(6) Lost Creek state park;
 4 ~~†8†~~(7) Painted Rocks state park;
 5 ~~†9†~~(8) Ackley Lake state park;
 6 ~~†10†~~(9) sluice boxes state park;
 7 ~~†11†~~(10) Deadman's basin state park;
 8 ~~†12†~~(11) Tongue River reservoir state park;
 9 ~~†13†~~(12) Pirogue Island state park;
 10 ~~†14†~~(13) Medicine Rocks state park; AND
 11 ~~†15†~~(14) Headwaters state park;
 12 ~~†16†~~ south-end-of--Canyon--Perry--reservoir--management
 13 area;--and
 14 ~~†17†~~ Thompson-Chain-of-lakes-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

1 public access;

2 (d) establishment of new hiking trails or improvement
 3 of existing hiking trails; and

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

9 (2) The following development of designated primitive
 10 parks is prohibited:

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

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

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

17 NEW SECTION. 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].

23 (2) A nonresident who wishes to use a primitive park is
 24 required to pay the state park user fees chargeable under
 25 23-1-105 and---is---subject---to---the---penalty---set---out---in

1 23-1-106(3) for failure to pay applicable fees and charges.

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

3 "23-1-106. Rules and penalties for enforcement. (1) The
4 department may make rules governing the use, occupancy, and
5 protection of the lands and property under its control;

6 (2) Any person who injures or damages any land or
7 property under control of the department or any private
8 property thereon on the land or therein the property or who
9 violates any of the rules made by the department relating to
10 these areas is guilty of a misdemeanor and shall be fined
11 not more than \$500 or be imprisoned in the county jail for
12 not more than 6 months;

13 (3) A nonresident who uses or attempts to use a
14 primitive park designated in section 2 without payment of
15 the user fee authorized in 23-1-105 is subject to payment of
16 an administrative civil penalty of \$100 for each incident of
17 unauthorized use;

18 (4) It is unlawful and a misdemeanor punishable as
19 provided in subsection (2) to refuse to exhibit for
20 inspection any park permit, proof of age, or proof of
21 residency upon request by a fish and game warden, park
22 ranger, or peace officer;

23 (4)(5) The department shall enforce the provisions of
24 this chapter and rules implementing this chapter. The
25 director of the department shall employ all necessary and

1 qualified personnel for enforcement purposes;

2 (5)(6) 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 (a) of search, seizure, and arrest;

8 (b) to investigate activities in this state regulated
9 by this chapter and rules of the department and the fish,
10 wildlife, and parks commission; and

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

13 **NEW SECTION. Section 5. Codification instruction.**
14 [Sections 1 through 4] are intended to be codified as an
15 integral part of Title 23, chapter 1, part 1, and the
16 provisions of Title 23, chapter 1, part 1, apply to
17 [sections 1 through 4].

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS
AS AMENDED

HOUSE BILL NO. 314

INTRODUCED BY RANEY, FRITZ, NATHE, RYE, RYAN, HARPER, ECK,
SIMON, FELAND, SCHWINDEN, GILBERT, WANZENRIED, WILSON,
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A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AND
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LIMITING DEVELOPMENT IN PRIMITIVE PARKS; AND ELIMINATING
USER FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS;
ESTABLISHING--A--PENALTY--FOR--NONRESIDENTS--WHO--USE--PRIMITIVE
PARKS--WITHOUT--PAYING--THE--USER--FEE;--AND--AMENDING--SECTION
23-1-1067--MCA."

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

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

condition and that is readily available to the recreating
public; and

WHEREAS, there are also numerous well-developed private
sector recreational opportunities in Montana; and

WHEREAS, Montana should provide a variety of
recreational opportunities for its residents; and

WHEREAS, Montana residents have the right to use
primarily undeveloped state parks without regard to their
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".

NEW SECTION. Section 2. Primitive parks established.
Because of their unique and primarily undeveloped character,
the following state parks and management areas are
designated as primitive parks and are subject to the
provisions of [sections 1 through 4]:

~~(1)~~--West-Shore-(Flathead-lake)--state-park;

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

~~(3)~~--Bogan-state-park;

~~(4)~~(3)(2) Thompson Falls state park;

1 ~~(5)~~~~(4)~~(3) Wild Horse Island state park;
 2 ~~(6)~~~~(5)~~ Frenchtown-Pond-state-park;
 3 ~~(7)~~~~(6)~~(4) Lost Creek state park;
 4 ~~(8)~~~~(7)~~(5) Painted Rocks state park;
 5 ~~(9)~~~~(8)~~(6) Ackley Lake state park;
 6 ~~(10)~~~~(9)~~(7) sluice boxes state park;
 7 ~~(11)~~~~(10)~~(8) Deadman's basin state park;
 8 ~~(12)~~~~(11)~~ Tongue-River-reservoir-state-park;
 9 ~~(13)~~~~(12)~~(9) Pirogue Island state park;
 10 ~~(14)~~~~(13)~~(10) Medicine Rocks state park; AND
 11 ~~(15)~~~~(14)~~(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 BUFFALO JUMP STATE PARK
 16 ~~(16)-south-end-of--Canyon--Perry--reservoir--(management~~
 17 ~~area);--and~~
 18 ~~(17)-Thompson-Chain-of-Lakes-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
 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;
 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 primitive
 14 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 but
 20 previously unpaved roads.

21 NEW SECTION. **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

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 and ~~is subject to the penalty set out in~~
 7 ~~23-1-106(3) for failure to pay applicable fees and charges.~~

8 **Section 5.** ~~Section 23-1-106, MCA, is amended to read:~~

9 ~~"23-1-106. Rules --- penalties --- enforcement. --- (1) --- The~~
 10 ~~department --- may make rules governing the use, occupancy, and~~
 11 ~~protection of the lands and property under its control.~~

12 ~~(2) --- Any person who injures or damages any land or~~
 13 ~~property under control of the department or any private~~
 14 ~~property thereon on the land or therein the property or who~~
 15 ~~violates any of the rules made by the department relating to~~
 16 ~~these areas is guilty of a misdemeanor and shall be fined~~
 17 ~~not more than \$500 or be imprisoned in the county jail for~~
 18 ~~not more than 6 months.~~

19 ~~(3) --- A nonresident who uses or attempts to use a~~
 20 ~~primitive park 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 ~~(4) --- It is unlawful and a misdemeanor punishable as~~
 25 ~~provided in subsection (2) to refuse to exhibit for~~

1 ~~inspection any park permit, proof of age, or proof of~~
 2 ~~residency upon request by a fish and game warden, park~~
 3 ~~ranger, or peace officer.~~

4 ~~(4)(5) --- The department shall enforce the provisions of~~
 5 ~~this chapter and rules implementing this chapter. The~~
 6 ~~director of the department shall employ all necessary and~~
 7 ~~qualified personnel for enforcement purposes.~~

8 ~~(5)(6) --- 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 ~~(a) --- of search, seizure, and arrest;~~

14 ~~(b) --- to investigate activities in this state regulated~~
 15 ~~by this chapter and rules of the department and the fish,~~
 16 ~~wildlife, and parks commission; and~~

17 ~~(c) --- to report violations to the county attorney of the~~
 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
 23 [sections 1 through 4].

-End-

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,
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ZOOK, GERVAIS, BARTLETT, MERCER, J. RICE, ELLIOTT,
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A BILL FOR AN ACT ENTITLED: "AN ACT DESIGNATING AND
ESTABLISHING CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS;
LIMITING DEVELOPMENT IN PRIMITIVE PARKS; AND ELIMINATING
USER FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS;
~~ESTABLISHING--A--PENALTY--FOR--NONRESIDENTS--WHO--USE--PRIMITIVE~~
~~PARKS--WITHOUT--PAYING--THE--USER--FEE;--AND--AMENDING--SECTION~~
~~23-1-1067--MCA."~~

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

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

condition and that is readily available to the recreating
public; and

WHEREAS, there are also numerous well-developed private
sector recreational opportunities in Montana; and

WHEREAS, Montana should provide a variety of
recreational opportunities for its residents; and

WHEREAS, Montana residents have the right to use
primarily undeveloped state parks without regard to their
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".

NEW SECTION. Section 2. Primitive parks established.
Because of their unique and primarily undeveloped character,
the following state parks and management areas are
designated as primitive parks and are subject to the
provisions of [sections 1 through 4]:

(1) West Shore (Flathead Lake) state park;

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

~~{3}--Bogan-state-park;~~

~~{4}{3}~~ Thompson Falls state park;



1 ~~†5†~~(4) Wild Horse Island state park;
 2 ~~†6†~~(5) Frenchtown Pond state park;
 3 ~~†7†~~(6) Lost Creek state park;
 4 ~~†8†~~(7) Painted Rocks state park;
 5 ~~†9†~~(8) Ackley Lake state park;
 6 ~~†10†~~(9) sluice boxes state park;
 7 ~~†11†~~(10) Deadman's basin state park;
 8 ~~†12†~~(11) Tongue River reservoir state park;
 9 ~~†13†~~(12) Pirogue Island state park;
 10 ~~†14†~~(13) Medicine Rocks state park; AND
 11 ~~†15†~~(14) Headwaters state park;
 12 ~~†16†~~ south-end-of--Canyon--Perry--reservoir--(management
 13 area);--and
 14 ~~†17†~~ Thompson-Chain-of-lakes-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

1 public access;

2 (d) establishment of new hiking trails or improvement
 3 of existing hiking trails; and

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

9 (2) The following development of designated primitive
 10 parks is prohibited:

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

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

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

17 NEW SECTION. 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].

23 (2) A nonresident who wishes to use a primitive park is
 24 required to pay the state park user fees chargeable under
 25 23-1-105 and---is---subject---to---the---penalty---set---out---in

23-1-106(3) for failure to pay applicable fees and charges.

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

"23-1-106. Rules and penalties for enforcement. (1) The department may make rules governing the use, occupancy, and 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 any private property thereon on the land or therein the property or who violates any of the rules made by the department relating to these areas is guilty of a misdemeanor and shall be fined not more than \$500 or be imprisoned in the county jail for not more than 6 months.

(3) A nonresident who uses or attempts to use a 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 unlawful and a misdemeanor punishable as provided in subsection (2) to refuse to exhibit for inspection any park permit, proof of age, or proof of residency upon request by a fish and game warden, park ranger, 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 purposes.

(5)(6) 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 search, seizure, and arrest;

(b) to investigate activities in this state regulated by this chapter and rules of the department and the fish, wildlife, and parks commission; and

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

NEW SECTION. Section 5. Codification instruction.

[Sections 1 through 4] are intended to be codified as an integral part of Title 23, chapter 1, part 1, and the provisions of Title 23, chapter 1, part 1, apply to [sections 1 through 4].

-End-

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,
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 ESTABLISHING CERTAIN MONTANA STATE PARKS AS PRIMITIVE PARKS;
 LIMITING DEVELOPMENT IN PRIMITIVE PARKS; AND ELIMINATING
 USER FEES FOR MONTANA RESIDENTS WHO VISIT PRIMITIVE PARKS;
~~ESTABLISHING--A--PENALTY--FOR--NONRESIDENTS--WHO--USE--PRIMITIVE~~
~~PARKS--WITHOUT--PAYING--THE--USER--FEE;--AND--AMENDING--SECTION~~
~~23-1-106;--MCA."~~

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

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

condition and that is readily available to the recreating
 public; and

WHEREAS, there are also numerous well-developed private
 sector recreational opportunities in Montana; and

WHEREAS, Montana should provide a variety of
 recreational opportunities for its residents; and

WHEREAS, Montana residents have the right to use
 primarily undeveloped state parks without regard to their
 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".

NEW SECTION. Section 2. Primitive parks established.
 Because of their unique and primarily undeveloped character,
 the following state parks and management areas are
 designated as primitive parks and are subject to the
 provisions of [sections 1 through 4]:

~~{1}--West-Shore-{Flathead-Lake}-state-park;~~

{2}{1} Lambeth (Lake Mary Ronan) state park;

~~{3}--Bogan-state-park;~~

{4}{3}{2} Thompson Falls state park;



1 ~~(5)~~~~(4)~~(3) Wild Horse Island state park;
 2 ~~(6)~~~~(5)~~ Frenchtown-Pond-state-park;
 3 ~~(7)~~~~(6)~~(4) Lost Creek state park;
 4 ~~(8)~~~~(7)~~(5) Painted Rocks state park;
 5 ~~(9)~~~~(8)~~(6) Ackley Lake state park;
 6 ~~(10)~~~~(9)~~(7) sluice boxes state park;
 7 ~~(11)~~~~(10)~~(8) Deadman's basin state park;
 8 ~~(12)~~~~(11)~~ Tongue-River-reservoir-state-park;
 9 ~~(13)~~~~(12)~~(9) Pirogue Island state park;
 10 ~~(14)~~~~(13)~~(10) Medicine Rocks state park; AND
 11 ~~(15)~~~~(14)~~(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 BUFFALO JUMP STATE PARK
 16 ~~(16)-south-end-of--Canyon--Perry--reservoir--(management~~
 17 ~~area);-and~~
 18 ~~(17)-Thompson-Chain-of-lakes-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
 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;

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 primitive
 14 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 but
 20 previously unpaved roads.

21 NEW SECTION. 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

use of any primitive park designated in [section 2], EXCEPT
THAT THE DEPARTMENT MAY CHARGE CAMPING FEES AT THOMPSON
FALLS STATE PARK AND HEADWATERS STATE PARK.

(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~~
 23-1-106(3) ~~for failure to pay applicable fees and charges.~~

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

~~"23-1-106. Rules---penalties---enforcement.---(1)---The~~
~~department---may make rules governing the use, occupancy, and~~
~~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 any private~~
~~property thereon on the land or therein the property or who~~
~~violates any of the rules made by the department relating to~~
~~these areas is guilty of a misdemeanor and shall be fined~~
~~not more than \$500 or be imprisoned in the county jail for~~
~~not more than 6 months;~~

~~(3)---A nonresident who uses or attempts to use a~~
~~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~~
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~~provided in subsection (2) to refuse to exhibit for~~

~~inspection any park permit, proof of age, or proof of~~
~~residency upon request by a fish and game warden, park~~
~~ranger, 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 purposes;~~

~~(5)(6)---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~~
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~~department are granted peace officer status with the power;~~

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-End-