

HOUSE BILL 354

Introduced by Harper, et al.

1/26	Introduced
1/26	Referred to Fish & Game
1/26	First Reading
1/26	Fiscal Note Requested
1/29	Fiscal Note Received
1/29	Fiscal Note Printed
2/09	Hearing
2/16	Tabled in Committee

INTRODUCED BY

House BILL NO. 354

Billant

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE STATE PARK AND FISHING ACCESS SITE DEVELOPMENT POLICY TO SPECIFY WHAT IMPROVEMENTS OR DEVELOPMENTS ARE CONSIDERED TO BE SIGNIFICANT CHANGES REQUIRING PUBLIC INVOLVEMENT; AND AMENDING SECTION 23-1-110, MCA."

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

Section 1. Section 23-1-110, MCA, is amended to read:

"23-1-110. Improvement or development of state park or fishing access site -- required public involvement -- rules.

(1) The fish, wildlife, and parks commission shall adopt rules establishing a policy whereby any proposed improvement or development of a state park or fishing access site that significantly changes park or fishing access site features or use patterns is subject to notice of proposed modifications, both statewide and locally, and to opportunity for a public meeting and public comment on the advisability and acceptability of the proposal.

(2) The department shall prepare a public report regarding any project that is subject to the provisions of subsection (1). The report must include conclusions relating to the following aspects of the proposal:

(a) the desires of the public as expressed to the department;

(b) the capacity of the park or fishing access site for development;

(c) environmental impacts associated with the improvement or development;

(d) the long-range maintenance of the improvements;

(e) the protection of natural, cultural, and historical park or fishing access site features;

(f) potential impacts on tourism; and

(g) site-specific modifications as they relate to the park or fishing access site system as a whole.

(3) In implementing the provisions of this section, the following improvement projects or developments are considered to be significant changes in park or fishing access site features or use patterns:

(a) new roadways or trails built over undisturbed land;

(b) construction of new buildings, except the construction of vault latrines;

(c) any excavation of 20 cubic yards or greater;

(d) new parking lots built over undisturbed land or the expansion of an existing lot that increases parking capacity by 25% or more;

(e) any new shoreline alteration that exceeds a double-wide boat ramp or handicapped fishing station;

1 (f) any new construction extending into a lake,
2 reservoir, or stream;

3 (g) any new construction in an area with cultural
4 artifacts that may qualify for the national registry, as
5 determined by the state historical preservation office;

6 (h) any new aboveground utility lines;

7 (i) acquisition, divestiture, and management exchanges
8 of state park lands;

9 (j) change in management;

10 (k) imposition or increase in access or recreation fees
11 or any new fee structure;

12 (l) limitation of access through fencing, barriers, or
13 other devices;

14 (m) limitation of access hours; and

15 (n) construction of toll booths."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0354, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to revise the state park and fishing access site development policy to specify what improvements or developments are considered to be significant changes requiring public involvement.

ASSUMPTIONS:

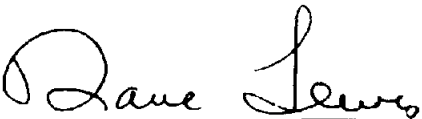
1. Items (a) through (h) of the new section 1, part 3 already exist as administrative rules of Montana.
2. There would be 12 to 15 actions per year by the Department of Fish, Wildlife and Parks that are covered by items (i) through (n).
3. Printing, public involvement costs, and staff time to follow the policy referred to in this bill will cost approximately \$800 per action.

FISCAL IMPACT:

The proposal will cost between \$9,600 and \$12,000 per year in state special funds to implement.

TECHNICAL NOTES:

Most of the items called for in this bill are already adopted as administrative rules. 23-1-110(1), MCA, refers to "improvements and developments" in the context of construction. Items (i) through (m) in this bill expand the scope of the original legislation to include management. The statute also gives the Fish, Wildlife and Parks Commission discretion to adopt rules to carry out this section, and the commission has done so. HB0354 proposes to override that discretion.

 1-29-93

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

HAL HARPER, PRIMARY SPONSOR DATE

Fiscal Note for HB0354, as introduced

HB 354