

SENATE BILL 297

Introduced by Klampe, et al.

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| 2/02 | Introduced |
| 2/02 | Referred to Fish & Game |
| 2/02 | First Reading |
| 2/02 | Fiscal Note Requested |
| 2/08 | Fiscal Note Received |
| 2/09 | Fiscal Note Printed |
| 2/09 | Hearing |
| 2/15 | Tabled in Committee |

1 ~~SENATE~~ BILL NO. 297
2 INTRODUCED BY Kramer
3 Laureli
4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE
5 RULEMAKING AUTHORITY OF THE FISH, WILDLIFE, AND PARKS
6 COMMISSION TO ENSURE THAT RESTRICTIONS ON ACCESS TO THE
7 SMITH RIVER ADEQUATELY ADDRESS RECREATIONAL AND COMMERCIAL
8 USES; LIMITING GROUP SIZE; REVISING THE PERMIT SYSTEM TO
9 INCLUDE ANNUAL REDRAWING OF AUTHORIZED OUTFITTERS,
10 NONTRANSFERABILITY OF INDIVIDUAL LAUNCH PERMITS, AND
11 TRANSFERABILITY OF OUTFITTER PERMITS AND LAUNCHES UNDER
12 CERTAIN CONDITIONS; AMENDING SECTION 23-2-408, MCA; AND
13 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 23-2-408, MCA, is amended to read:

17 "23-2-408. Rulemaking authority. The commission has
18 authority to provide for the administration of the Smith
19 River waterway. The commission may adopt rules to:

20 (1) regulate and allocate recreational and commercial
21 floating and camping to preserve the biological and social
22 benefits of recreational and commercial use of the Smith
23 River waterway in its natural state. Recreational use may be
24 restricted to preserve the experience of floating, fishing,
25 and camping in a natural environment and to protect the

1 river's fish, wildlife, water, and canyon resources. The
2 restrictions must:

3 (a) consider the tolerance of adjacent landowners to
4 recreational use;

5 (b) consider the capability of the river and adjoining
6 lands to accommodate floating and camping use. To ensure
7 adequate accommodation, the maximum group size is 12 people,
8 including guides and other outfitter staff, unless an
9 exception is granted for organized outings conducted for
10 educational or scientific purposes.--and

11 (c) ensure an acceptable level of user satisfaction,
12 including minimizing user conflicts and providing for a
13 level of solitude.

14 (2) restrict recreational use, if necessary, through
15 the implementation of a permit system. An allocation of a
16 portion of the permits may be made to licensed outfitters to
17 preserve the availability of outfitting services to the
18 public. The list of authorized outfitters must be redrawn
19 annually from among all eligible applicants, and this
20 subsection may not be construed as authorizing a permanent
21 permit. Individual launches are nontransferable and may not
22 be sold. If an individual launch cannot be used, it must be
23 placed in the unassigned launch pool and be made available
24 daily to private floaters on a first-come basis at camp
25 Baker. If an authorized outfitter sells or transfers the

1 outfitting business, the department may transfer the permit
2 and associated launches to the new business owner, provided
3 that the new owner can meet all permit criteria and can
4 provide at least an equivalent floating service to the
5 public as was offered by the previous owner.

6 (3) regulate the activities of recreational and
7 commercial users of the water and land in the Smith River
8 waterway that are legally accessible to the public and
9 regulate the land in the river corridor that is under the
10 control of the department and commission:

11 (a) for the purposes of safety, health, and protection
12 of property;

13 (b) to preserve the experience of floating, fishing,
14 and camping in a natural environment;

15 (c) to protect the river's fish, wildlife, water, and
16 canyon resources; and

17 (d) to minimize conflicts between recreationists and
18 private landowners; and

19 (4) establish recreational and commercial user fees for
20 floating and camping on the Smith River waterway."

21 **NEW SECTION. Section 2. Effective date.** [This act] is
22 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0297, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An clarifying the rulemaking authority of the Fish, Wildlife and Parks Commission to ensure that restrictions on access to the Smith River adequately address recreational and commercial uses; limiting group size; revising the permit system to include annual redrawing of authorized outfitters, nontransferability of individual launch permits, and transferability of outfitter permits and launches under certain conditions; and providing an immediate effective date.

ASSUMPTIONS:

1. In 1991 the overall average number of floaters per group on the Smith River was 4.9. The average for private floats was 4.3 and for outfitter floats it was 9.0.
2. In 1991 there were 27 groups of more than 12 floaters. With a 12 floater limit, 61 individual floaters would not have been allowed to partake in the float.
3. Four to six outfitter launches would not be filled due to logistical and marketing problems.
4. Outfitters currently pay \$175 per launch, \$65 per client and \$15 per staff. The total loss of revenue to DFWP would be \$4,275 per year as a result of the proposed legislation.

FISCAL IMPACT:

Expenditures: None

Revenues: Loss of \$4,275 per year, as shown below.

Loss of revenue due to non-transferability clause:


| | |
|-----------------------------------|---------|
| Launch Fee (\$175 x 6) | (1,050) |
| Client Fee (\$65 x 5 clients x 6) | (1,950) |
| Staff Fee (\$15 x 4 staff x 6) | (360) |


Loss of revenue from limiting group size:

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| Float Fee (\$15 x 61) | (915) |
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| Total | (4,275) |
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TECHNICAL NOTES: Section 23-2-408, MCA, grants authority to the FWP Commission to administer the Smith River by adopting rules. The proposed bill restricts this authority.

 2-6-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/9/93
TERRY KLUMPE, PRIMARY SPONSOR DATE
Fiscal Note for SB0297, as introduced