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INTRODUCED BY *House* BILL NO. *212*
Raney Ellis Hayes Doherty Grimes
Harvey Simon Wagner

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RIVER AND LAKE ISLAND PARKS ON STATE-OWNED OR STATE-LEASED ISLAND PROPERTY IN NAVIGABLE RIVERS, STREAMS, AND LAKES; LIMITING DEVELOPMENT OF ISLAND PARKS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, publicly owned or leased islands in Montana’s navigable rivers, streams, and lakes provide the public an opportunity for a unique recreational experience; and

WHEREAS, in order to preserve the integrity of the island experience, those public properties should remain in as natural and undeveloped state as possible.

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

NEW SECTION. Section 1. Island parks established -- development limited. (1) In order to retain the integrity of the recreational experience associated with Montana’s river and lake islands, development of state-owned or state-leased island property, which is hereby designated as island parks, including islands designated as state property under 77-1-102, lying within and surrounded by a navigable river, stream, or lake is limited, after [the effective date of this act], to:

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

(b) necessary latrine facilities if approved by the fish, wildlife, and parks commission.

(2) Improvements made to state-owned or state-leased island property prior to [the effective date of this act] may be maintained, but further development is limited as provided in this section.

(3) Notwithstanding the provisions of 77-1-203 regarding multiple-use management, the legislature finds that the highest and best use of island property administered as school trust land is for recreation and grazing and that those islands should be left in as primitive state as possible to protect from the loss of potential future revenue that could result from the failure to leave the islands in an undeveloped condition.

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0212, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for river and lake island parks on state-owned or state-leased island property in navigable rivers, streams, and lakes; limiting development of island parks; and providing an immediate effective date.

ASSUMPTIONS:

1. This legislation only applies to true islands (surrounded by water), and not those islands that have been attached to the bank.
2. This legislation does not restrict the leasing of oil and gas reserves lying under islands.
3. This legislation does not change the recreational use license requirement nor the ability to license islands for outfitting.
4. The state department managing the state-owned island property will be responsible for signing. Original signing costs are approximately \$7 each for 12" X 18" reflective signs produced by State Prison Industries.
5. Approximately 400 islands are state-owned and would require two signs each, one on the upstream and one on the downstream. The total cost for 800 signs is \$5,144.
6. Sign placement would be contracted out for three months at \$10,000 per month to include labor and all operating expenses to place the signs.
7. The state department that manages the state-owned property would need \$2,500 per year after fiscal year 1998 in operating expenses to maintain and update signing.
8. Environmental reviews of latrine installations would be conducted by staff from the state department that manages the island prior to the Fish, Wildlife and Parks (FWP) Commission approval of latrine facilities.
9. The FWP Commission would review and approve latrine installation. It is assumed the installations would not be approved.

FISCAL IMPACT:

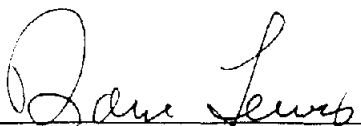
<u>Expenditures:</u>	<u>FY98</u>	<u>FY99</u>
Department of Natural Resources:	<u>Difference</u>	<u>Difference</u>
Operating Expenses	35,600	2,500
 <u>Funding:</u>		
General Fund (01)	35,600	2,500
 <u>Net Impact on Fund Balance: (Funding minus expense)</u>		
General Fund (01)	(35,600)	(2,500)

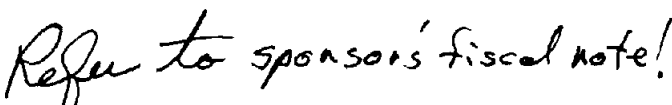
LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The restriction of future development may result in lost future opportunities for higher revenue-generating activities on these islands such as cabin sites or commercial recreational ventures. The legislation may also lead some current lessees to drop existing leases currently held for wildlife areas, natural areas or city parks.

TECHNICAL NOTES:

It is unclear if the signage of the island property is mandatory or optional.

 1-15-97
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning


 BOB RANEY, PRIMARY SPONSOR DATE
 Fiscal Note for HB0212, as introduced

SPONSOR'S FISCAL NOTE

Form BD-15S

There is hereby submitted a Sponsor's Fiscal Note for: HB 212, Version: Introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for river and lake island parks on state-owned or state-leased island property in navigable rivers, streams, and lakes; limiting development of island parks; and providing an immediate effective date.

ASSUMPTIONS:

1. This legislation only applies to true islands (surrounded by water), and not those islands that have been attached to the bank.
2. This legislation does not restrict the leasing of oil and gas reserves lying under islands.
3. This legislation does not change the recreational use license requirement nor the ability to license islands for outfitting.
4. No signs or latrines are required under this bill.

FISCAL IMPACT: NONE

Net Impact on Fund Balance: NONE

LONG RANGE EFFECTS OF PROPOSED LEGISLATION:

Will provide residents and visitors with natural recreation areas while maintaining agriculture use and wildlife habitat at no cost to taxpayers.

TECHNICAL NOTE:

It is clear this bill conserves state funds by limiting agency development on our river and lake islands.

Bob Raney 1-16-97

PRIMARY SPONSOR DATE

Fiscal Note for: HB 212 Version: 1

APPROVED BY COM ON FISH,
WILDLIFE & PARKS

HOUSE BILL NO. 212

INTRODUCED BY RANEY, CRIPPEN, ELLIS, HARPER, DOHERTY, GRINDE, STANG, SIMON, WAGNER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RIVER AND LAKE ISLAND PARKS ON STATE-OWNED OR STATE-LEASED ISLAND PROPERTY IN NAVIGABLE RIVERS, STREAMS, AND LAKES; LIMITING DEVELOPMENT OF ISLAND PARKS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, publicly owned or leased islands in Montana's navigable rivers, streams, and lakes provide the public an opportunity for a unique recreational experience; and

WHEREAS, in order to preserve the integrity of the island experience, those public properties should remain in as natural and undeveloped state as possible.

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

NEW SECTION. Section 1. Island parks established -- development limited. (1) In order to retain the integrity of the recreational experience associated with Montana's river and lake islands, development of state-owned or state-leased island property, which is hereby designated as island parks, including islands designated as state property under ~~77-1-102~~ 70-18-203, lying within and surrounded by a navigable river, stream, or lake is limited, after [the effective date of this act], to:

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

(b) necessary latrine facilities if approved by the fish, wildlife, and parks commission.

(2) Improvements made to state-owned or state-leased island property prior to [the effective date of this act] may be maintained, but further development is limited as provided in this section.

(3) Notwithstanding the provisions of 77-1-203 regarding multiple-use management, the legislature finds that the highest and best use of island property administered as school trust land, EXCEPT ISLANDS DESIGNATED AS NATURAL AREAS PURSUANT TO TITLE 76, CHAPTER 12, is for recreation and grazing and that those islands should be left in as primitive state as possible to protect from the loss of potential future revenue that could result from the failure to leave the islands in an undeveloped condition.

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HOUSE BILL NO. 212

INTRODUCED BY RANEY, CRIPPEN, ELLIS, HARPER, DOHERTY, GRINDE, STANG, SIMON, WAGNER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RIVER AND LAKE ISLAND PARKS ON STATE-OWNED OR STATE-LEASED ISLAND PROPERTY IN NAVIGABLE RIVERS, STREAMS, AND LAKES; LIMITING DEVELOPMENT OF ISLAND PARKS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, publicly owned or leased islands in Montana's navigable rivers, streams, and lakes provide the public an opportunity for a unique recreational experience; and

WHEREAS, in order to preserve the integrity of the island experience, those public properties should remain in as natural and undeveloped state as possible.

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

NEW SECTION. **Section 1. Island parks established -- development limited.** (1) In order to retain the integrity of the recreational experience associated with Montana's river and lake islands, development of UNDISPUTED state-owned or state-leased island property, which is hereby designated as island parks, including islands designated as state property under ~~77-1-102~~ 70-18-203, lying within and surrounded by a navigable river, stream, or lake is limited, after [the effective date of this act], to:

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

(b) necessary latrine facilities if approved by the fish, wildlife, and parks commission; AND

(C) FOOTINGS OR PILINGS NECESSARY FOR THE CONSTRUCTION OF A PEDESTRIAN-ONLY FOOT BRIDGE.

(2) Improvements made to state-owned or state-leased island property prior to [the effective date of this act] may be maintained, but further development is limited as provided in this section.

(3) Notwithstanding the provisions of 77-1-203 regarding multiple-use management, the legislature finds that the highest and best use of island property administered as school trust land, EXCEPT ISLANDS DESIGNATED AS NATURAL AREAS PURSUANT TO TITLE 76, CHAPTER 12, is for recreation and grazing

1 and that those islands should be left in as primitive state as possible to protect from the loss of potential
2 future revenue that could result from the failure to leave the islands in an undeveloped condition.

3 (4) FOR PURPOSES OF THIS SECTION, STATE OWNERSHIP OR STATE LEASE OF ISLAND
4 PROPERTY IS DISPUTED IF THE DISPUTE ARISES BEFORE, ON, OR AFTER [THE EFFECTIVE DATE OF THIS
5 ACT].

6

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

8

-END-

1 HOUSE BILL NO. 212
2 INTRODUCED BY RANEY, CRIPPEN, ELLIS, HARPER, DOHERTY, GRINDE, STANG, SIMON, WAGNER
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RIVER AND LAKE ISLAND PARKS ON
5 STATE-OWNED OR STATE-LEASED ISLAND PROPERTY IN NAVIGABLE RIVERS, STREAMS, AND LAKES;
6 LIMITING DEVELOPMENT OF ISLAND PARKS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

7
8 WHEREAS, publicly owned or leased islands in Montana's navigable rivers, streams, and lakes
9 provide the public an opportunity for a unique recreational experience; and

10 WHEREAS, in order to preserve the integrity of the island experience, those public properties should
11 remain in as natural and undeveloped state as possible.

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14
15 NEW SECTION. Section 1. Island parks established -- development limited. (1) In order to retain
16 the integrity of the recreational experience associated with Montana's river and lake islands, development
17 of UNDISPUTED state-owned or state-leased island property, which is hereby designated as island parks,
18 including islands designated as state property under ~~77-1-102~~ 70-18-203, lying within and surrounded by
19 a navigable river, stream, or lake is limited, after [the effective date of this act], to:

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

23 (b) necessary latrine facilities if approved by the fish, wildlife, and parks commission; AND

24 (C) FOOTINGS OR PILINGS NECESSARY FOR THE CONSTRUCTION OF A PEDESTRIAN-ONLY
25 FOOT BRIDGE.

26 (2) Improvements made to AND AGRICULTURAL OPERATIONS ON state-owned or state-leased
27 island property prior to [the effective date of this act] may be maintained OR CONTINUED, but further
28 development is limited as provided in this section.

29 (3) Notwithstanding the provisions of 77-1-203 regarding multiple-use management, the legislature
30 finds that the highest and best use of island property administered as school trust land, EXCEPT ISLANDS

1 DESIGNATED AS NATURAL AREAS PURSUANT TO TITLE 76, CHAPTER 12, is for recreation and grazing
2 and that those islands should be left in as primitive state as possible to protect from the loss of potential
3 future revenue that could result from the failure to leave the islands in an undeveloped condition.

4 (4) FOR PURPOSES OF THIS SECTION, STATE OWNERSHIP OR STATE LEASE OF ISLAND
5 PROPERTY IS DISPUTED IF THE DISPUTE ARISES BEFORE, ON, OR AFTER [THE EFFECTIVE DATE OF THIS
6 ACT].

7

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

9

-END-

HOUSE BILL NO. 212

INTRODUCED BY RANEY, CRIPPEN, ELLIS, HARPER, DOHERTY, GRINDE, STANG, SIMON, WAGNER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RIVER AND LAKE ISLAND PARKS ON STATE-OWNED OR STATE-LEASED ISLAND PROPERTY IN NAVIGABLE RIVERS, STREAMS, AND LAKES; LIMITING DEVELOPMENT OF ISLAND PARKS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, publicly owned or leased islands in Montana's navigable rivers, streams, and lakes provide the public an opportunity for a unique recreational experience; and

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

NEW SECTION. Section 1. Island parks established -- development limited. (1) In order to retain the integrity of the recreational experience associated with Montana's river and lake islands, development of UNDISPUTED state-owned or state-leased island property, which is hereby designated as island parks, including islands designated as state property under ~~77-1-102~~ 70-18-203, lying within and surrounded by a navigable river, stream, or lake is limited, after [the effective date of this act], to:

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

(b) necessary latrine facilities if approved by the fish, wildlife, and parks commission; AND

(C) FOOTINGS OR PILINGS NECESSARY FOR THE CONSTRUCTION OF A PEDESTRIAN-ONLY FOOT BRIDGE.

(2) Improvements made to AND AGRICULTURAL OPERATIONS ON state-owned or state-leased island property prior to [the effective date of this act] may be maintained OR CONTINUED, but further development is limited as provided in this section.

(3) Notwithstanding the provisions of 77-1-203 regarding multiple-use management, the legislature finds that the highest and best use of island property administered as school trust land, EXCEPT ISLANDS

1 DESIGNATED AS NATURAL AREAS PURSUANT TO TITLE 76, CHAPTER 12, is for recreation and grazing
2 and that those islands should be left in as primitive state as possible to protect from the loss of potential
3 future revenue that could result from the failure to leave the islands in an undeveloped condition.

4 (4) FOR PURPOSES OF THIS SECTION, STATE OWNERSHIP OR STATE LEASE OF ISLAND
5 PROPERTY IS DISPUTED IF THE DISPUTE ARISES BEFORE, ON, OR AFTER [THE EFFECTIVE DATE OF THIS
6 ACT].

7

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

9

-END-

HOUSE BILL NO. 212

INTRODUCED BY RANEY, CRIPPEN, ELLIS, HARPER, DOHERTY, GRINDE, STANG, SIMON, WAGNER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR RIVER AND LAKE ISLAND PARKS ON STATE-OWNED OR STATE-LEASED ISLAND PROPERTY IN NAVIGABLE RIVERS, STREAMS, AND LAKES; LIMITING DEVELOPMENT OF ISLAND PARKS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, publicly owned or leased islands in Montana's navigable rivers, streams, and lakes provide the public an opportunity for a unique recreational experience; and

WHEREAS, in order to preserve the integrity of the island experience, those public properties should remain in as natural and undeveloped state as possible.

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

NEW SECTION. Section 1. Island parks established -- development limited. (1) In order to retain the integrity of the recreational experience associated with Montana's river and lake islands, development of **UNDISPUTED** state-owned or state-leased island property, which is hereby designated as island parks, including islands designated as state property under ~~77-1-102~~ 70-18-203, lying within and surrounded by a navigable river, stream, or lake is limited, after [the effective date of this act], to:

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

(b) necessary latrine facilities if approved by the fish, wildlife, and parks commission; AND

~~(C) FOOTINGS OR PILINGS NECESSARY FOR THE CONSTRUCTION OF A PEDESTRIAN ONLY FOOT BRIDGE; AND~~

(D) OIL AND GAS LEASING.

(2) Improvements made to AND AGRICULTURAL OPERATIONS ON state-owned or state-leased island property prior to [the effective date of this act] may be maintained OR CONTINUED, but further development is limited as provided in this section.

(3) Notwithstanding the provisions of 77-1-203 regarding multiple-use management, the legislature

1 finds that the highest and best use of island property administered as school trust land, EXCEPT ISLANDS
2 DESIGNATED AS NATURAL AREAS PURSUANT TO TITLE 76, CHAPTER 12, is for recreation and grazing
3 and that those islands should be left in as primitive state as possible to protect from the loss of potential
4 future revenue that could result from the failure to leave the islands in an undeveloped condition.

5 (4) FOR PURPOSES OF THIS SECTION, STATE OWNERSHIP OR STATE LEASE OF ISLAND
6 PROPERTY IS DISPUTED IF THE DISPUTE ARISES BEFORE, ON, OR AFTER [THE EFFECTIVE DATE OF THIS
7 ACT].

8
9 NEW SECTION. SECTION 2. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE
10 CODIFIED AS AN INTEGRAL PART OF TITLE 77, CHAPTER 1, PART 4, AND THE PROVISIONS OF TITLE
11 77, CHAPTER 1, PART 4, APPLY TO [SECTION 1].

12
13 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

14 -END-