

1 HOUSE BILL NO. 375

2 INTRODUCED BY J. FITZPATRICK, T. WELCH, J. WINDY BOY, D. HAWK, G. FRAZER, K. WALSH, R.
3 FITZGERALD, R. LYNCH, E. MCCLAFFERTY, J. WELBORN, J. LYNCH, D. HARVEY, T. VERMEIRE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING FUNDS TO PAVE A PORTION OF LOST
6 CREEK ROAD AT LOST CREEK STATE PARK; PROVIDING CONDITIONS FOR THE APPROPRIATION;
7 PROVIDING AN APPROPRIATION; ALLOWING THE STATE PARK FUND TO PAY FOR ACCESS TO STATE
8 PARKS; AMENDING SECTION 23-1-105, MCA; AND PROVIDING EFFECTIVE DATES AND A
9 TERMINATION DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12
13 NEW SECTION. **Section 1. Appropriation -- conditions.** There is appropriated \$500,000 from the
14 state parks miscellaneous state special revenue account established in 23-1-105 to the department of fish,
15 wildlife, and parks to pave the road to Lost Creek state park in coordination with Anaconda-Deer Lodge County.

16
17 NEW SECTION. **Section 2. Conditions of appropriation.** (1) The funds appropriated in [section 1]
18 must, along with county matching funds, be used to pave the surface of 5.71 miles of the county road, popularly
19 known as Lost Creek road, from its intersection with Galen road to the gate of Lost Creek state park.

20 (2) The department of fish, wildlife, and parks may enter into a memorandum of understanding by
21 July 1, 2023, with Anaconda-Deer Lodge County to construct the project.

22 (3) Anaconda-Deer Lodge County shall contribute \$500,000 in cash to the project as a matching
23 grant.

24 (4) Pursuant to the agreement between the parties, Anaconda-Deer Lodge County is responsible
25 for managing all aspects of the project from design through construction.

26 (5) If the project costs more than \$1 million, the county is fully responsible for funding the cost
27 increase. Supplemental appropriation from state funds may not be granted.

28 (6) If the bids for the project exceed \$1 million, the parties may reduce the scope of the project to

1 match the funds available or terminate the project and return the state's share of the funds for the project to the
2 state.

3
4 **Section 3.** Section 23-1-105, MCA, is amended to read:

5 **"23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) (a) The department may
6 levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be
7 provided and to grant concessions that it considers advisable, except as provided in subsections (2) and (6).

8 (b) There must be deposited into a state special revenue fund in the state treasury to the credit of
9 the department:

10 (i) all money derived from the activities of the department, except as provided in subsection (5);

11 and

12 (ii) money from marijuana taxes deposited under 16-12-111.

13 (2) Overnight camping fees established by the department under subsection (1) must be
14 discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and is:

15 (a) 62 years of age or older;

16 (b) certified as disabled in accordance with rules adopted by the department; or

17 (c) a veteran of the armed forces. While camping at a discounted rate, the veteran shall carry proof
18 of the person's veteran status, such as a DD form 214, U.S. department of veterans affairs identification card,
19 or a driver's license indicating the person's veteran status.

20 (3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle
21 at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is
22 discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person
23 is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the
24 registered owner.

25 (4) Money received from the collection of fees and charges is subject to the deposit requirements
26 of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule
27 pursuant to 17-6-105(8).

28 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of

1 managing state park visitor services revenue. The fund is to be used by the department to serve the recreating
2 public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of
3 educational, commemorative, and interpretive merchandise and other related goods and services at
4 department sites and facilities and may be used to provide improved access to state parks. The fund consists of
5 money from the sale of educational, commemorative, and interpretive merchandise and other related goods
6 and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive
7 merchandise and other related goods and services must be deposited in the fund. All interest and earnings on
8 money deposited in the fund must be credited to the fund for use as provided in this subsection.

9 (6) In recognition of the fact that individuals support state parks through the payment of certain
10 motor vehicle registration fees, persons who pay the fee provided for in 61-3-321(19)(a) may not be required to
11 pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such
12 as overnight camping fees, are still chargeable and may be collected by the department.

13 (7) Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) on or
14 after January 1, 2012, that is dedicated to state parks must be used by the department for maintenance and
15 operation of state parks."
16

17 NEW SECTION. Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is
18 effective on passage and approval.

19 (2) [Sections 1 and 3] are effective July 1, 2023.
20

21 NEW SECTION. Section 5. Termination. [Section 3] terminates June 30, 2025.

22 - END -