

HOUSE BILL NO. 375

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

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

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

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

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

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

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

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

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

(6) If the bids for the project exceed \$1 million, the parties may reduce the scope of the project to match the funds available or terminate the project and return the state's share of the funds for the project to the state.

(7) Upon receipt of bids for the project and selection of a prospective contractor, Anaconda-Deer Lodge County shall provide notice and send a copy of the bids to the department of fish, wildlife, and parks and indicate its preferred contractor. The department shall pay Anaconda-Deer Lodge County half of the acceptable bid, not to exceed \$500,000, within 21 days of the receiving notice from the county.

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

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

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

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

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

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

(a) 62 years of age or older;

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

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

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

1 registered owner.

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

5 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of
6 managing state park visitor services revenue. The fund is to be used by the department to serve the recreating
7 public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of
8 educational, commemorative, and interpretive merchandise and other related goods and services at
9 department sites and facilities and may be used to provide improved access to state parks. The fund consists of
10 money from the sale of educational, commemorative, and interpretive merchandise and other related goods
11 and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive
12 merchandise and other related goods and services must be deposited in the fund. All interest and earnings on
13 money deposited in the fund must be credited to the fund for use as provided in this subsection.

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

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

21
22 **NEW SECTION. Section 4. Dedication.** Upon completion of the project, the road will be dedicated to
23 the memory of former State Senator Mark Sweeney, who was a career employee of the department of fish,
24 wildlife, and parks. Anaconda-Deer Lodge County shall erect a minimum of two signs designating the road as
25 the Mark Sweeney Memorial Roadway.

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27 **NEW SECTION. Section 5. Effective dates.** (1) Except as provided in subsection (2), [this act] is
28 effective on passage and approval.

68th Legislature 2023

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4 - END -



**Legislative
Services
Division**