

## 1 SENATE BILL NO. 105

2 INTRODUCED BY D. MAHLUM

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AN ENTERPRISE FUND TO MANAGE STATE  
6 PARK VISITOR SERVICES REVENUE; AMENDING SECTIONS 23-1-105 AND 61-3-512, MCA; AND  
7 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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

12 **"23-1-105. Fees and charges.** (1) The department ~~shall have power to~~ may levy and collect  
13 reasonable fees or other charges for the use of privileges and conveniences ~~as that~~ that may be provided and  
14 to grant concessions ~~as that~~ that it considers advisable, except as provided in subsection (2). All money derived  
15 from the activities of the department, except as provided in subsection (5), must be deposited in the state  
16 treasury in a state special revenue fund to the credit of the department.

17 (2) Overnight camping fees established by the department under subsection (1) must be  
18 discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102,  
19 and either 62 years of age or older or certified as disabled in accordance with rules adopted by the  
20 department.

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

26 (4) Money received from the collection of fees and charges is not subject to the deposit  
27 requirements of 17-6-105. The department shall deposit money collected under this section within a  
28 reasonable time after receipt.

29 (5) There is a fund of the enterprise fund type, as defined in 17-2-102(1)(b)(i), for the purpose of  
30 managing state park visitor services revenue. The fund is to be used by the department to serve the

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

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9 **Section 2.** Section 61-3-512, MCA, is amended to read:

10 **"61-3-512. State parks recreational vehicle fee -- collection and expenditure -- exception. (1)**

11 There is a fee of \$3.50 imposed on the registration or reregistration of each recreational vehicle as defined  
12 in 61-1-132, camper as defined in 61-1-129, motor home as defined in 61-1-130, and travel trailer as  
13 defined in 61-1-131. The fee is in addition to annual registration fees and is due and payable at the time  
14 of registration.

15 (2) The fee must be collected by the county treasurer and submitted to the department of revenue  
16 to be expended as provided in this section. The department of revenue shall place the fee proceeds in the  
17 state treasury in the special revenue fund established in 23-1-105(1) to the credit of the department of  
18 fish, wildlife, and parks. The funds may be used to provide recreational vehicle services and facilities in  
19 state parks.

20 (3) The fee imposed by subsection (1) need not be paid by a dealer for vehicles that constitute  
21 the inventory of the dealership."

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

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