

SENATE BILL NO. 106

INTRODUCED BY S. KITZENBERG

A BILL FOR AN ACT ENTITLED: "AN ACT DIRECTING THE ACQUISITION OF THE SOUTHERN PORTION OF BRUSH LAKE IN NORTHEASTERN MONTANA THROUGH PURCHASE OR TRADE AND THE DESIGNATION OF THE ENTIRE BRUSH LAKE PROPERTY AS A STATE PARK; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the 2003 Montana Legislature adopted Senate Joint Resolution No. 15, that provided in part that the Department of Fish, Wildlife, and Parks was presently involved in an effort to acquire property at Brush Lake in region 6 in order to establish the region's first state park, that Brush Lake offers unique natural attributes worthy of preservation for public recreational use and scientific study and interpretation, and that the Legislature considered it an appropriate recognition of the region's unique beauty and a proper expenditure of state funds to establish a state park at Brush Lake in region 6 as soon as funding became available; and

WHEREAS, as some funds became available and circumstances allowed, the state was able to purchase the northern portion of Brush Lake, but purchase of the southern portion has not been accomplished and the entirety of Brush Lake remains to be designated as a state park, although the natural attributes and unique beauty of Brush Lake and the potential for public recreation and scientific study and interpretation remain; and

WHEREAS, although the 2003 Legislature directed that the Department of Fish, Wildlife, and Parks "consider the establishment of the first state park in region 6 at Brush Lake a top priority", acquisition of the southern Brush Lake property has not been completed, even though designation of the entire Brush Lake property as a state park still constitutes an appropriate recognition of the region's unique beauty and a proper expenditure of state funds.

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

NEW SECTION. **Section 1. Acquisition of remaining Brush Lake property.** (1) (a) The administrator of the parks division of the department of fish, wildlife, and parks, on behalf of the state, shall direct the purchase of property consisting of the southern portion of Brush Lake in region 6, including rights-of-way ensuring public access to the property, using any department of fish, wildlife, and parks funds available for the purchase of land

1 and access for state parks. Not more than \$1 million may be spent from state park funds to complete the
2 purchase.

3 (b) If acquisition of the southern portion of Brush Lake cannot be accomplished through purchase as
4 contemplated in subsection (1)(a), the administrator of the parks division shall negotiate for acquisition of the
5 property through a trade agreement for a similarly sized parcel of department lakefront property in western
6 Montana.

7 (2) When the Brush Lake property acquisition directed in subsection (1) is completed and clear title for
8 the property, including public access, resides with the state, the department of fish, wildlife, and parks shall
9 designate the entire Brush Lake property as a region 6 state park and make necessary improvements to the
10 property to ensure safe public use and perpetual enjoyment.

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

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