EXHIBIT 2
DATE 2.22.07
HB HJ35

Montana Code Annotated 2005

23-1-126. Good neighbor policy -- public recreational lands. (1) The good neighbor policy of public land use, as applied to public recreational lands, seeks a goal of no impact upon adjoining private and public lands by preventing impact on those adjoining lands from noxious weeds, trespass, litter, noise and light pollution, streambank erosion, and loss of privacy.

(2) In order to implement the good neighbor policy expeditiously, the legislature finds it necessary to require the department of fish, wildlife, and parks to place maintenance as a priority over additional development at all state parks and fishing access sites.

(3) The restriction in subsection (2) does not apply to:

(a) development and improvement projects for which the legislature has appropriated funds prior to October 1, 1999;

(b) activities directly related to the historic preservation, restoration, or protection of assets in state parks;

(c) at the discretion of the department of fish, wildlife, and parks, projects on the Missouri reach of the Missouri-Madison hydropower project or the Clark Fork basin hydropower project, undertaken pursuant to the federal energy regulatory commission's hydropower relicensing requirements and in conjunction with private entities, political subdivisions of the state of Montana, and federal agencies;

(d) at the discretion of the department of fish, wildlife, and parks, projects on Fort Peck reservoir undertaken in conjunction with the U.S. army corps of engineers; or

(e) partnership projects as designated within the park master plan.

(4) Any development in state parks and fishing access sites beyond those defined as maintenance in 23-1-127 must be approved by the legislature.

History: En. Sec. 1, Ch. 474, L. 1999.

Provided by Montana Legislative Services

Montana Code Annotated 2005

23-1-127. Maintenance priority -- maintenance defined. With regard to state parks and fishing access sites, implementation of the good neighbor policy requires that priority is to be given to maintenance of existing facilities, rather than to development or improvement. As used in 23-1-126 and this section, "maintenance" means:

(1) placing, cleaning, and stocking of latrines;

(2) garbage and litter removal;

(3) fence installation and repair of existing fences;

(4) weed control;

(5) implementation of safety and health measures required by law to protect the public;

(6) upkeep of established trails, roads, parking areas, boat docks, and similar facilities existing in state parks and fishing access sites on October 1, 1999;

(7) in-kind replacement of existing facilities, including electric lines or facilities, or replacement of those existing facilities with facilities that have less impact on the state park or fishing access site;

(8) erosion control;

(9) streambank stabilization;

(10) erection of barriers necessary to preserve riparian vegetation and habitat;

(11) minimal signage necessary to inform users of appropriate state park or fishing access site use and applicable regulations and of historical, natural, cultural, geographical, and geological features in the area;

(12) measures necessary to ensure compliance with the federal Americans With Disabilities Act of 1990, when applicable;

(13) planting of native trees, grasses, and shrubs for habitat stabilization and privacy shielding;

(14) installation of fire rings, picnic tables, and trash collection facilities; and

(15) other necessary activities and expenditures consistent with the good neighbor policy and the intent of 23-1-126, 23-1-128, and this section, including new trails, new boat ramps, and necessary new access roads into and within the state park or fishing access site.

History: En. Sec. 2, Ch. 474, L. 1999.

Provided by Montana Legislative Services