

HOUSE BILL NO. 465

INTRODUCED BY P. CLARK, BALYEAT, BARRETT, ESP, FUCHS, RICE, SALES, SHOCKLEY,
WANZENRIED

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MORATORIUM ON STATE PARK AND FISHING ACCESS SITE CONSTRUCTION PROJECTS THAT ARE NOT FOR MAINTENANCE, WITH CERTAIN EXCEPTIONS; REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO REPORT ANNUALLY TO THE ENVIRONMENTAL QUALITY COUNCIL REGARDING MAINTENANCE PROJECTS AT STATE PARKS AND FISHING ACCESS SITES, WITH PARTICULAR EMPHASIS ON WEED CONTROL AND ERADICATION ACTIVITIES; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Moratorium on nonmaintenance construction projects at state parks and fishing access sites. ~~Until~~ (1) EXCEPT AS PROVIDED IN SUBSECTION (2), UNTIL July 1, 2007, the department may not undertake any construction project at a state park or fishing access site unless the project is for maintenance, as defined in 23-1-127(1) through (14), or for new trails, new boat ramps, or new access roads into or within a state park or fishing access site.

(2) THE MORATORIUM IN SUBSECTION (1) MAY NOT BE CONSTRUED TO:

(A) INTERFERE WITH CONSTRUCTION PROJECTS FINANCED BY NONDEPARTMENTAL FUNDS AND UNDERTAKEN IN STATE PARKS BY VOLUNTEER OR PRIVATE, NONPROFIT ORGANIZATIONS THAT ENTER AN AGREEMENT WITH THE DEPARTMENT TO ASSUME PART OR ALL OF THE MANAGEMENT AND FINANCIAL RESPONSIBILITY OF A STATE PARK;

(B) PROHIBIT THE COMPLETION OF CONSTRUCTION PROJECTS BEGUN PRIOR TO JULY 1, 2003; OR

(C) PROHIBIT THE REPAIR, PRESERVATION, OR RESTORATION, WHICH IS NOT DEFINED AS MAINTENANCE UNDER 23-1-127, OF EXISTING FACILITIES.

NEW SECTION. Section 2. Maintenance at state parks and fishing access sites -- report required. The department shall provide an annual report to the environmental quality council, established in 5-16-101, regarding maintenance projects at state parks and fishing access sites. The report must contain a detailed PLAN FOR THE ERADICATION OF NOXIOUS WEEDS AT ALL STATE PARKS AND FISHING ACCESS SITES, INCLUDING AN account of ongoing weed management activities, ~~including a projected amount of money~~ AND AN ESTIMATE OF THE AMOUNT

OF MONEY AND TIME necessary to achieve ~~weed control~~ and THE eradication of noxious weeds at state parks and fishing access sites statewide.

NEW SECTION. **Section 3. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 23, chapter 1, part 1, and the provisions of Title 23, chapter 1, part 1, apply to [sections 1 and 2].

NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2003.

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