

HOUSE BILL NO. 466
INTRODUCED BY P. CLARK

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A STATE PARK AND FISHING ACCESS SITE MAINTENANCE PERMANENT FUND; PROVIDING THAT THE MAINTENANCE FUND BE FUNDED FROM A PERCENTAGE OF THE MONEY EARNED BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FROM STATE PARK AND FISHING ACCESS SITE ACTIVITIES AND FROM DONATIONS, GIFTS, GRANTS, REIMBURSEMENTS, OR APPROPRIATIONS; PROVIDING THAT EXPENDITURE OF THE PERMANENT FUND INTEREST, EARNINGS, AND PRINCIPAL MAY BE ONLY FOR STATE PARK AND FISHING ACCESS SITE MAINTENANCE; AMENDING SECTION 23-1-105, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. State park and fishing access site maintenance permanent fund created -- conditions on expenditure of fund principal and interest. (1) There is a state park and fishing access site maintenance permanent fund in the permanent fund type established in 17-2-102. The department shall administer the permanent fund in accordance with this section.

(2) There must be deposited in the state park and fishing access site maintenance permanent fund:

(a) 20% of all earned revenue from state park and fishing access site activities of the department, as provided in 23-1-105(1), which is considered fund principal; and

(b) money received by the department in the form of donations, gifts, grants, reimbursements, or appropriations from any source intended to be used for state park and fishing access site maintenance. Money received pursuant to this subsection (2)(b) must be expended pursuant to the terms of the donation, gift, grant, reimbursement, or appropriation, but if terms are not specified, the money is considered fund principal.

(3) The state park and fishing access site maintenance permanent fund is dedicated toward providing an ongoing source of funding for the maintenance of state parks and fishing access sites, subject to legislative appropriations of the fund.

(4) (a) Money deposited in the state park and fishing access site maintenance permanent fund may not be committed or expended until the principal reaches \$1 million. Once this amount is accumulated, the interest and earnings generated by the permanent fund must be deposited in an account in the state special revenue fund to the credit of the department and that account must be used by the department for the maintenance, as defined

in 23-1-127(1) through (14), of state parks and fishing access sites.

(b) Once the amount of principal in the permanent fund reaches \$5 million, any additional deposits in the permanent fund must also be transferred to the state special revenue fund to the credit of the department and must be used by the department for the maintenance, as defined in 23-1-127(1) through (14), of state parks and fishing access sites.

Section 2. Section 23-1-105, MCA, is amended to read:

"23-1-105. Fees and charges. (1) 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 subsection (2). ~~All money~~ Twenty percent of earned revenue derived from the activities of the department must be placed in the state park and fishing access site maintenance permanent fund established in [section 1] and must be used for state park and fishing access site maintenance, as provided in [section 1]. The remaining 80% of earned revenue derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department.

(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 either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

(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 registered owner.

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

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(1)(b)(i), for the purpose of managing state park visitor services revenue. The fund is to be used by the department to serve the recreating public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational, commemorative, and interpretive merchandise and other related goods and services at department sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive

merchandise and other related goods and services and from donations. Gross revenue from the sale of educational, commemorative, and interpretive merchandise and other related goods and services must be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided in this subsection."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is 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 [section 1].

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

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