

## SENATE BILL NO. 244

INTRODUCED BY STORY, ANDERSEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A ~~SHAREHOLDER, FAMILY MEMBER OF A SHAREHOLDER, CONTRACT HOLDER~~ OR EMPLOYEE OF A WATER USERS' ASSOCIATION THAT PAYS ~~OPERATION OR~~ MAINTENANCE COSTS ON A STATE-OWNED RESERVOIR MAY NOT BE REQUIRED TO PURCHASE A DAY-USE PERMIT TO ACCESS THAT RESERVOIR; REQUIRING THE ASSOCIATION TO ISSUE ANNUAL IDENTIFICATION CARDS TO ELIGIBLE PERSONS ~~CONTRACT HOLDERS AND EMPLOYEES OF WATER USERS' ASSOCIATIONS~~; AMENDING SECTION 23-1-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Identification of association ~~shareholders, family members, CONTRACT HOLDERS~~ and employees for free reservoir access. A water users' association THAT CHOOSES TO PARTICIPATE AS PROVIDED IN 23-1-105(6) is responsible for issuing annual identification cards to its ~~shareholders, shareholders' family members, CONTRACT HOLDERS~~ and employees in order to facilitate the identification by department of fish, wildlife, and parks enforcement personnel of persons who are eligible for free reservoir day use pursuant to 23-1-105(6). THE IDENTIFICATION CARD MUST BE ISSUED TO THE CONTRACT HOLDER OR EMPLOYEE OF THE WATER USERS' ASSOCIATION AND MAY NOT BE TRANSFERRED OR ASSIGNED TO ANOTHER ENTITY.

**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~~ subsections (2) and (6). All money 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.

(6) A ~~shareholder, family member of a shareholder,~~ CONTRACT HOLDER or employee of a water users' association regulated pursuant to Title 85, chapter 6, that is paying OPERATION OR maintenance costs on a state-owned reservoir may not be required to purchase any day-use permit to access the reservoir for which OPERATION OR maintenance costs are paid by the association IF THE CONTRACT HOLDER OR EMPLOYEE OF THE WATER USERS' ASSOCIATION HOLDS AN IDENTIFICATION CARD AS PROVIDED IN [SECTION 1]. A water users' association ~~shareholder, shareholder's family member,~~ CONTRACT HOLDER or employee who wishes to access the reservoir for purposes other than day use is required to pay any applicable fees. The water users' association is responsible for issuing annual identification cards pursuant to [section 1]."

NEW SECTION. Section 3. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 85, chapter 6, part 1, and the provisions of Title 85, chapter 6, part 1, apply to [section 1].

NEW SECTION. SECTION 4. COORDINATION INSTRUCTION. IF SENATE BILL NO. 336 AND [THIS ACT] ARE BOTH PASSED AND APPROVED, THEN [THIS ACT] IS VOID.

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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