

SENATE BILL NO. 9
INTRODUCED BY S. KITZENBERG

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PERSON WHO HAS PURCHASED A MONTANA STATE GOLDEN YEARS PASS MAY NOT BE REQUIRED TO PAY A DAY-USE FEE FOR ACCESS TO MONTANA STATE PARKS FOR THE VEHICLE TO WHICH THE MONTANA STATE GOLDEN YEARS PASS IS ATTACHED; AMENDING SECTION 23-1-105, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, prior to 1989, a Montana resident 62 years of age or older could purchase a Montana state golden years pass from the Department of Fish, Wildlife, and Parks that entitled the purchaser and the occupants of the purchaser's vehicle to camp free in Montana state parks, recreation areas, and fishing access sites during the lifetime of the purchaser; and

WHEREAS, it is appropriate that in order to exercise their free camping privileges, the purchasers of Montana state golden years passes also be entitled to free entry into state parks for the vehicle to which the golden years pass is attached.

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

Section 1. 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 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(2)(a), 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) In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, persons who pay the fee provided for in 61-3-321(18)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department.

(b) A person who has purchased a Montana state golden years pass may not be required to pay a day-use fee for access to state parks for the vehicle to which the Montana state golden years pass is attached."

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

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