

1 SENATE BILL NO. 43

2 INTRODUCED BY J. KEANE

3 BY REQUEST OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PRIMITIVE PARKS; REVISING THE
6 LIST OF PRIMITIVE PARKS; REVISING THE TYPES OF DEVELOPMENT THAT MAY OCCUR IN PRIMITIVE
7 PARKS; AND AMENDING SECTIONS 23-1-116, 23-1-117, AND 23-1-118, MCA."

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

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11 **Section 1.** Section 23-1-116, MCA, is amended to read:

12 **"23-1-116. Primitive parks established.** Because of their unique and primarily undeveloped character,
13 the following state parks and management areas are designated as primitive parks and are subject to the
14 provisions of 23-1-115 through 23-1-118:

15 ~~(1) Big Pine management area;~~16 ~~—— (2) Thompson Falls state park;~~17 ~~(3)(1) Wild Horse Island state park;~~18 ~~(4) Lost Creek state park;~~19 ~~—— (5) Painted Rocks state park;~~20 ~~—— (6) Ackley Lake state park;~~21 ~~—— (7) Sluice Boxes state park;~~22 ~~—— (8) Deadman's Basin state park;~~23 ~~(9)(2) Pirogue Island state park;~~24 ~~(10)(3) Medicine Rocks state park;~~25 ~~(11) Headwaters state park;~~26 ~~(12)(4) Council Grove state park;~~27 ~~(13)(5) Beaverhead Rock state park;~~28 ~~(14) Natural Bridge state park; and~~29 ~~(6) Tower Rock state park; and~~30 ~~(15)(7) Madison Buffalo Jump state park."~~

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2 **Section 2.** Section 23-1-117, MCA, is amended to read:

3 **"23-1-117. Limit on development of primitive parks.** (1) ~~Except as permitted in Lost Creek state park~~
4 ~~for the limited purposes provided in subsection (3), the~~ The only development allowed in primitive parks
5 designated in 23-1-116 is:

6 (a) ~~necessary~~ improvements ~~required to meet minimum public health standards regarding~~ necessary
7 for sanitation and visitor safety and to minimize impacts to adjacent landowners, which may include ~~necessary~~
8 access to outhouses, septic vaults, and water;

9 (b) ~~improvements necessary to ensure the~~ construction of safe public use of existing boat ramps and
10 docks;

11 (c) addition of gravel to existing unpaved roads and the resurfacing of paved roads when necessary to
12 ensure safe public access;

13 (d) establishment of new hiking nonmotorized trails or improvement of existing hiking trails; and

14 (e) development of camp host pads; and

15 ~~(e)(f) installation of minimal signage indicating that the park is a designated primitive park in which~~
16 ~~development has been limited and encouraging the public to help in maintaining the park's primitive character~~
17 by packing out trash.

18 (2) The following development of designated primitive parks is prohibited:

19 (a) installation of electric lines or facilities, except when necessary to comply with subsection (1)(a) or
20 (1)(e);

21 (b) installation of recreational vehicle sanitary dumpsites where they do not presently exist; and

22 (c) creation of unnecessary new roads and paving of existing but previously unpaved roads.

23 ~~(3) Lost Creek state park may be developed to include a camp host pad, with necessary water, electric,~~
24 ~~and sewage disposal facilities to meet minimum public health standards for the camp host. The camp host pad~~
25 ~~must be completed by September 30, 2007, and must be accomplished in the least intrusive manner possible~~
26 ~~in order to retain the primitive character of Lost Creek state park as a whole, in keeping with the spirit of the~~
27 ~~Montana Primitive Parks Act."~~

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29 **Section 3.** Section 23-1-118, MCA, is amended to read:

30 **"23-1-118. Elimination of resident user fee -- fee for nonresident use -- penalty.** (1) In recognition

1 of the right of Montana residents to use primitive parks without regard to their ability to pay, a Montana resident
2 is not required to pay a user fee for the use of any primitive park designated in 23-1-116, ~~except that the~~
3 ~~department may charge camping fees at Thompson Falls state park and Headwaters state park.~~

4 (2) A nonresident who wishes to use a primitive park is required to pay the state park user fees
5 chargeable under 23-1-105."

6 - END -