

SENATE BILL NO. 43

INTRODUCED BY J. KEANE

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

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

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

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

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

~~(1) Big Pine management area;~~

~~———— (2) Thompson Falls state park;~~

~~(3)(1) Wild Horse Island state park;~~

(2) BIG PINE MANAGEMENT AREA;

~~(3) LOST CREEK STATE PARK;~~

~~(4)(3) PAINTED ROCKS STATE PARK;~~

~~(5) ACKLEY LAKE STATE PARK;~~

~~(6)(4)(3) SLUICE BOXES STATE PARK;~~

~~(7)(5)(4) HEADWATERS STATE PARK;~~

~~(4) Lost Creek state park;~~

~~———— (5) Painted Rocks state park;~~

~~———— (6) Ackley Lake state park;~~

~~———— (7) Sluice Boxes state park;~~

~~———— (8) Deadman's Basin state park;~~

~~(9)(2)(8)(6)(5) Pirogue Island state park;~~

~~(10)(3)(9)(7)(6) Medicine Rocks state park;~~



1           ~~(11) Headwaters state park;~~  
 2           ~~(12)(4)(10)(8)(7) Council Grove state park;~~  
 3           ~~(13)(5)(11)(9)(8) Beaverhead Rock state park;~~  
 4           ~~(14) Natural Bridge state park; and~~  
 5           ~~(6)(12)(10)(9) Tower Rock state park; and~~  
 6           ~~(15)(7)(13)(11)(10) Madison Buffalo Jump state park."~~

7  
 8           **Section 2.** Section 23-1-117, MCA, is amended to read:

9           **"23-1-117. Limit on development of primitive parks.** ~~(1) Except as permitted in Lost Creek state park~~  
 10 ~~for the limited purposes provided in subsection (3), the~~ The only development allowed in primitive parks  
 11 designated in 23-1-116 is:

12           (a) ~~necessary~~ NECESSARY improvements ~~required to meet minimum public health standards regarding~~  
 13 ~~necessary for~~ REQUIRED TO MEET MINIMUM PUBLIC HEALTH STANDARDS REGARDING sanitation ~~and visitor safety and~~  
 14 ~~to minimize impacts to adjacent landowners,~~ which may include ~~necessary~~ NECESSARY access to outhouses,  
 15 septic vaults, and water;

16           (b) ~~improvements necessary to ensure the~~ CONSTRUCTION OF IMPROVEMENTS NECESSARY TO ENSURE THE safe  
 17 ~~public use of existing~~ USE OF EXISTING boat ramps and docks;

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

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

21           ~~(e) development of camp host pads, WHICH MAY INCLUDE A SEPTIC VAULT AND ELECTRICAL SERVICE DESIGNED~~  
 22 ~~TO SERVE ONLY A THE CAMP HOST PAD PADS; and~~

23           ~~(F) ANY MEASURES REQUIRED FOR LAND MANAGEMENT, INCLUDING FORESTRY; AND~~

24           ~~(e)(f)(G) installation of minimal signage indicating that the park is a designated primitive park in which~~  
 25 ~~development has been limited and~~ INDICATING THAT THE PARK IS A DESIGNATED PRIMITIVE PARK IN WHICH  
 26 DEVELOPMENT HAS BEEN LIMITED AND encouraging the public to help in maintaining the park's primitive character  
 27 by packing out trash.

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

29           (a) installation of electric lines or facilities, except when necessary to comply with subsection (1)(a) ~~or~~  
 30 ~~(1)(e)~~ OR (1)(E);

1 (b) installation of recreational vehicle sanitary dumpsites where they do not presently exist; and  
 2 (c) creation of ~~unnecessary~~ UNNECESSARY new roads and paving of existing but previously unpaved  
 3 roads.

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

9  
 10 **Section 3.** Section 23-1-118, MCA, is amended to read:

11 **"23-1-118. Elimination of resident user fee -- fee for nonresident use -- penalty.** (1) In recognition  
 12 of the right of Montana residents to use primitive parks without regard to their ability to pay, a Montana resident  
 13 is not required to pay a user fee for the use of any primitive park designated in 23-1-116, ~~except that the~~  
 14 ~~department may charge camping fees at Thompson Falls state park and Headwaters state park, EXCEPT THAT THE~~  
 15 DEPARTMENT MAY CHARGE CAMPING FEES AT HEADWATERS STATE PARK.

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

18 - END -