

HOUSE BILL NO. 585

INTRODUCED BY B. HAMLETT, B. BROWN, S. FITZPATRICK, T. JACOBSON, M. LANG, R. LYNCH,
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A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING LEGISLATIVE APPROVAL FOR DIVESTITURE OF
STATE PARK LAND; PROVIDING EXCEPTIONS; DEFINING "AFFILIATED LANDS"; AND AMENDING
SECTION 23-1-111, MCA."

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

Section 1. Section 23-1-111, MCA, is amended to read:

"23-1-111. Powers and duties of board -- rulemaking -- meetings. (1) Except as provided in
subsection (2), for state parks, primitive parks, state recreational areas, public camping grounds, state historic
sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant
to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, and 9, the board shall:

(a) set the policies and provide direction to the department for:

(i) the management, protection, conservation, and preservation of these properties, lands, and waters
and their appropriate role relative to tourism and the economic health of Montana;

(ii) coordinating, integrating, promoting, and furthering opportunities for education and recreation at these
sites, including but not limited to camping, hiking, snowmobiling, off-highway vehicle use, horseback riding,
mountain biking, boating, and swimming;

(b) work with the commission to maintain hunting and angling opportunities on these lands and waters;

(c) establish the rules of the department governing the use of these properties and lands. The rules must
be adopted in the interest of public health, public safety, public welfare, and protection of property and public
resources in regulating recreation, including picnicking, camping, and swimming, and sanitation. These rules are
subject to review and approval by the department of public health and human services with regard to issues of
public health and sanitation before becoming effective. Copies of the rules must show that endorsement.

(d) review and approve all acquisitions or transfers of interest in these properties, lands, and waters by
the department, except as provided in 87-1-209(4); Any EXCEPT AS PROVIDED IN SUBSECTION (4), ANY decision by
the board to divest the department of A FEE TITLE INTEREST IN a state park or a portion of a state park must be

1 approved by the legislature in the next regular legislative session.

2 (e) review and approve the budget of the department for the administration of these properties, lands,
3 and waters prior to its transmittal to the office of budget and program planning;

4 (f) review and approve construction projects that have an estimated cost of more than \$5,000;

5 (g) work with local, state, and federal agencies to evaluate, integrate, coordinate, and promote
6 recreational opportunities statewide; and

7 (h) encourage citizen involvement in management planning for these properties, lands, and waters.

8 (2) Pursuant to 87-1-301(1), the board does not oversee department activities related to the
9 administration of fishing access sites.

10 (3) The members of the board shall hold quarterly or other meetings for the transaction of business at
11 times and places considered necessary and proper. The meetings must be called by the presiding officer or by
12 a majority of the board and must be held at the time and place specified in the call for the meeting. A majority of
13 the members constitutes a quorum for the transaction of any business. The board shall keep a record of all the
14 business it transacts. The presiding officer and secretary shall sign all orders, minutes, or documents for the
15 board.

16 (4) (A) APPROVAL OF THE LEGISLATURE IS NOT REQUIRED FOR DECISIONS REGARDING THE TRANSFER OF A FEE
17 TITLE INTEREST IN AFFILIATED LANDS OR LAND THAT IS PART OF AN EXCHANGE TO CONSOLIDATE OWNERSHIP OR ADDRESS
18 IMPACTS TO NEIGHBORING LANDOWNERS.

19 (B) FOR THE PURPOSES OF THIS SUBSECTION (4), THE TERM "AFFILIATED LANDS" MEANS LANDS OWNED BY THE
20 DEPARTMENT BUT:

21 (I) NOT ACTIVELY MANAGED BY THE DEPARTMENT; OR

22 (II) MANAGED BY ANOTHER ENTITY."

23 - END -