

1 HOUSE BILL NO. 375
2 INTRODUCED BY J. FITZPATRICK, T. WELCH, J. WINDY BOY, D. HAWK, G. FRAZER, K. WALSH, R.
3 FITZGERALD, R. LYNCH, E. MCCLAFFERTY, J. WELBORN, J. LYNCH, D. HARVEY, T. VERMEIRE
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5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING FUNDS TO PAVE A PORTION OF LOST
6 CREEK ROAD AT LOST CREEK STATE PARK; PROVIDING CONDITIONS FOR THE APPROPRIATION;
7 PROVIDING AN APPROPRIATION; ALLOWING THE STATE PARK FUND TO PAY FOR ACCESS TO STATE
8 PARKS; AMENDING SECTION 23-1-105, MCA; AND PROVIDING EFFECTIVE DATES AND A
9 TERMINATION DATE."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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13 NEW SECTION. Section 1. Appropriation -- conditions. There is appropriated \$500,000 from the
14 state parks miscellaneous state special revenue account established in 23-1-105 to the department of fish,
15 wildlife, and parks to pave the road to Lost Creek state park in coordination with Anaconda-Deer Lodge County.
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17 NEW SECTION. Section 2. Conditions of appropriation. (1) The funds appropriated in [section 1]
18 must, along with county matching funds, be used to pave the surface of 5.71 miles of the county road, popularly
19 known as Lost Creek road, from its intersection with Galen road to the gate of Lost Creek state park.

20 (2) The department of fish, wildlife, and parks may enter into a memorandum of understanding by
21 July 1, 2023, with Anaconda-Deer Lodge County to construct the project.

22 (3) Anaconda-Deer Lodge County shall contribute \$500,000 in cash to the project as a matching
23 grant.

24 (4) Pursuant to the agreement between the parties, Anaconda-Deer Lodge County is responsible
25 for managing all aspects of the project from design through construction.

26 (5) If the project costs more than \$1 million, the county is fully responsible for funding the cost
27 increase. Supplemental appropriation from state funds may not be granted.

28 (6) If the bids for the project exceed \$1 million, the parties may reduce the scope of the project to

1 match the funds available or terminate the project and return the state's share of the funds for the project to the
2 state.

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4 **Section 3.** Section 23-1-105, MCA, is amended to read:

5 **"23-1-105. Fees and charges -- use of motor vehicle registration fee.** (1) (a) The department may
6 levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be
7 provided and to grant concessions that it considers advisable and may be used to provide improved access to
8 state parks, except as provided in subsections (2) and (6).

9 (b) There must be deposited into a state special revenue fund in the state treasury to the credit of
10 the department:

11 (i) all money derived from the activities of the department, except as provided in subsection (5);

12 and

13 (ii) money from marijuana taxes deposited under 16-12-111.

14 (2) Overnight camping fees established by the department under subsection (1) must be
15 discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and is:

16 (a) 62 years of age or older;

17 (b) certified as disabled in accordance with rules adopted by the department; or

18 (c) a veteran of the armed forces. While camping at a discounted rate, the veteran shall carry proof
19 of the person's veteran status, such as a DD form 214, U.S. department of veterans affairs identification card,
20 or a driver's license indicating the person's veteran status.

21 (3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle
22 at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is
23 discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person
24 is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the
25 registered owner.

26 (4) Money received from the collection of fees and charges is subject to the deposit requirements
27 of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule
28 pursuant to 17-6-105(8).

