68th Legislature 2023 Drafter: Julie Johnson, 406-444-4024 HB0375.001.002

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	
4		
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	FERMINATION 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	



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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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- Section 3. Section 23-1-105, MCA, is amended to read:
- "23-1-105. Fees and charges -- use of motor vehicle registration fee. (1) (a) 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 and may be used to provide improved access to 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 the department:
- 11 (i) all money derived from the activities of the department, except as provided in subsection (5); 12 and
  - (ii) money from marijuana taxes deposited under 16-12-111.
- 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 is:
- 16 (a) 62 years of age or older;
- 17 (b) certified as disabled in accordance with rules adopted by the department; or
  - (c) a veteran of the armed forces. While camping at a discounted rate, the veteran shall carry proof of the person's veteran status, such as a DD form 214, U.S. department of veterans affairs identification card, or a driver's license indicating the person's veteran status.
    - (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 subject to the deposit requirements of 17-6-105(6) unless the department has submitted and received approval for a modified deposit schedule pursuant to 17-6-105(8).



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(5)	There is a fund of the enterprise fund type, as defined in 17-2-102(2)(a), for the purpose of
managing sta	te park visitor services revenue. The fund is to be used by the department to serve the recreating
public by prov	iding for the obtaining of inventory through purchase, production, or donation and for the sale of
educational, c	ommemorative, and interpretive merchandise and other related goods and services at
department si	tes and facilities <u>and may be used to provide improved access to state parks</u> . The fund consists of
money from th	ne sale of educational, commemorative, and interpretive merchandise and other related goods
and services a	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 depos	ited in the fund must be credited to the fund for use as provided in this subsection.
(6)	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(19)(a) may not be required to
pay a day-use	e fee for access to state parks. Other fees for the use of state parks and fishing access sites, such
as overnight o	amping fees, are still chargeable and may be collected by the department.
(7)	Any increase in the motor vehicle registration fee collected pursuant to 61-3-321(19)(a) on or
after January	1, 2012, that is dedicated to state parks must be used by the department for maintenance and
operation of s	tate parks."
NEW	SECTION. Section 4. Effective dates. (1) Except as provided in subsection (2), [this act] is
effective on pa	assage and approval.
(2)	[Sections 1 and 3] are effective July 1, 2023.
NEW	SECTION. Section 5. Termination. [Section 3] terminates June 30, 2025.



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