

1 HOUSE BILL NO. 846
2 INTRODUCED BY T. FRANCE, G. PARRY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A RESIDENT-ONLY BONUS POINT CHANCE FOR
5 SMITH RIVER PERMITS; REQUIRING RULEMAKING; AND AMENDING SECTION-SECTIONS 23-2-408
6 AND 23-2-409, MCA."

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

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10 **Section 1.** Section 23-2-408, MCA, is amended to read:

11 **"23-2-408. Rulemaking authority.** (1) The board has authority to provide for the administration of the
12 Smith River waterway. The board may adopt rules to:

13 ~~(1)(a)~~ regulate and allocate recreational and commercial floating and camping to preserve the
14 biological and social benefits of recreational and commercial use of the Smith River waterway in its natural
15 state. Recreational use may be restricted to preserve the experience of floating, fishing, and camping in a
16 natural environment and to protect the river's fish, wildlife, water, and canyon resources. The restrictions must:

17 ~~(a)(i)~~ consider the tolerance of adjacent landowners to recreational use;

18 ~~(b)(ii)~~ consider the capability of the river and adjoining lands to accommodate floating and camping
19 use; and

20 ~~(c)(iii)~~ ensure an acceptable level of user satisfaction, including minimizing user conflicts and
21 providing for a level of solitude.

22 ~~(2)(b)~~ restrict recreational use, if necessary, through the implementation of a permit system. An
23 allocation of a portion of the permits may be made to licensed outfitters to preserve the availability of outfitting
24 services to the public.

25 ~~(3)(c)~~ regulate the activities of recreational and commercial users of the water and land in the Smith
26 River waterway that are legally accessible to the public and regulate the land in the river corridor that is under
27 the control of the department and the board:

28 ~~(a)(i)~~ for the purposes of safety, health, and protection of property;

1 ~~(b)(ii)~~ to preserve the experience of floating, fishing, and camping in a natural environment;
 2 ~~(e)(iii)~~ to protect the river's fish, wildlife, water, and canyon resources; and
 3 ~~(d)(iv)~~ to minimize conflicts between recreationists and private landowners; and
 4 ~~(4)(d)~~ establish recreational and commercial user fees for floating and camping on the Smith River
 5 waterway.

6 (2) The board shall adopt rules to establish and implement a bonus point system for residents."

8 **Section 2.** Section 23-2-409, MCA, is amended to read:

9 **"23-2-409. Allocation of user fees -- expenditure of Smith River corridor enhancement account.**

10 (1) All money collected as recreational and commercial user fees for floating and camping on the Smith River
 11 waterway pursuant to 23-2-408 must be deposited in the state treasury in the Smith River corridor
 12 enhancement account in the state special revenue fund to the credit of the department.

13 (2) (a) The following portions of recreational and commercial user fees deposited in the Smith
 14 River corridor enhancement account must be used for the purposes in subsection (2)(b):

- 15 (i) \$50 of each commercial outfitter client fee;
- 16 (ii) all revenue from the sale of super permit lottery chances; ~~and~~
- 17 (iii) all revenue from sales of a resident-only \$5 bonus point; and
- 18 ~~(iii)(iv)~~ 5% of other float fee revenue, except for the nonrefundable permit application fee.

19 (b) The sum of the funds described in subsection (2)(a) must be expended to:

20 (i) protect and enhance the integrity of the natural and scenic beauty of the Smith River waterway
 21 and its recreational, fisheries, and wildlife values through the lease or acquisition of property, including lease or
 22 acquisition of partial interests in property by the department within the Smith River corridor;

23 (ii) pursue projects that serve to protect, enhance, and restore fisheries habitat, streambank
 24 stabilization, erosion control, and recreational values within the Smith River corridor, including Smith River
 25 tributaries; and

26 (iii) pursue projects that serve to maintain and enhance instream flows for recognized recreational
 27 and aquatic ecosystem values in the Smith River corridor.

28 (3) All other funds in the Smith River corridor enhancement account may be used to manage,