

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; LIMITING THE NUMBER OF PERMITS AVAILABLE FOR NONRESIDENTS;  
6 REQUIRING RULEMAKING; AND AMENDING SECTION SECTIONS 23-2-408 AND 23-2-409, MCA."

7  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9  
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. The number of permits that can be purchased by nonresidents pursuant to this section  
25 may not exceed 10% of the available permits.

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

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

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

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

11           **"23-2-409. Allocation of user fees -- expenditure of Smith River corridor enhancement account.**

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

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

- 17 (i) \$50 of each commercial outfitter client fee;
- 18 (ii) all revenue from the sale of super permit lottery chances; ~~and~~
- 19 (iii) all revenue from sales of a resident-only \$5 bonus point and a nonresident \$50 bonus point;

20 and

21 ~~(iii)(iv)~~ 5% of other float fee revenue, except for the nonrefundable permit application fee.

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

- 23 (i) protect and enhance the integrity of the natural and scenic beauty of the Smith River waterway
- 24 and its recreational, fisheries, and wildlife values through the lease or acquisition of property, including lease or
- 25 acquisition of partial interests in property by the department within the Smith River corridor;
- 26 (ii) pursue projects that serve to protect, enhance, and restore fisheries habitat, streambank
- 27 stabilization, erosion control, and recreational values within the Smith River corridor, including Smith River
- 28 tributaries; and

**Amendment - 1st Reading/2nd House-blue - Requested by: Tom France - (S) Fish and Game**

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Drafter: Casey Pallister, (406) 444-3067

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

3 (3) All other funds in the Smith River corridor enhancement account may be used to manage,  
4 operate, and maintain the Smith River corridor."

5 - END -

AMENDED