

## STATE PARKS

### LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting. (5-4-105, MCA; [Chapter 309, Laws of 2017](#)) The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes.

**Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.**

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### Background Materials and Research

**Topic Summary:** Legislative discussions about how to best fund and administer Montana’s state parks are ongoing. The Parks Division at the Department of Fish, Wildlife, and Parks (FWP) is responsible for day-to-day management of 55 parks and 13 affiliated lands. Other programs administered by Parks include motorized and non-motorized trail grants and local government recreation grants.

In 2011-2012, the Environmental Quality Council (EQC) studied ways to improve the management, recognition, and coordination of state parks and outdoor recreation and heritage resource programs. Subsequently, the 2013 Legislature created the State Parks and Recreation Board, which has adopted a [5-year strategic plan](#), [a lands policy](#), and a [policy for the classification and prioritization of park resources](#). The board also conducted a [peer analysis](#) of neighboring state park systems, and commissioned facility condition inventories that identified more than \$18 million in infrastructure needs.

Policy questions about the management of state parks persisted in 2017, including about revenue and expenditures, reconciliation of financial encumbrances on park lands, and the status of the parks system within the organization and culture of FWP. Two bills that would have restructured the administration of the parks system were not enacted. The 2017 Legislature did require that in 2019 the entire division budget, including the base, be reviewed by the joint appropriations subcommittee on natural resources and transportation.

In 2017-2018, the Legislative Audit Division conducted a [performance audit](#) of limited scope of the division while the EQC conducted a [comprehensive review](#) of the division and the policy and strategy frameworks adopted by the Board.

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### Other Materials:

- [State parks website](#), FWP
- [State parks program evaluation](#), Environmental Quality Council, May 2018
- [Management of Montana's State Parks System Performance Audit](#), Legislative Audit Division, April 2018
- [Lands leased by the Parks Division](#), FWP
- [State Parks and Recreation Strategic Plan 2015-2020](#), FWP
- Facility condition inventory [Phase 1](#) and [Phase 2](#), FWP
- [Montana Statewide Comprehensive Outdoor Recreation Plan 2014-2018](#), FWP
- [HJ 32: A summary of existing programs and past reports on state parks, outdoor recreation, and heritage resource programs](#), Environmental Quality Council, 2012
- [State Parks Futures Committee II Report](#), 2002
- [State Parks Program Performance Audit](#), Legislative Audit Division, February 2001

## Introduced Legislation

### 2017

[House Bill No. 324](#) – Vetoed by Governor - AN ACT GENERALLY REVISING THE ADMINISTRATION OF RECREATIONAL RESOURCE PROGRAMS; ADMINISTRATIVELY ATTACHING THE STATE PARKS AND RECREATION BOARD TO THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS; CLARIFYING DEPARTMENTAL AND BOARD POWERS AND DUTIES RELATED TO STATE PARKS AND BOATING, SNOWMOBILE, AND OFF-HIGHWAY VEHICLE PROGRAMS; AUTHORIZING THE HIRING OF AN EXECUTIVE DIRECTOR OF STATE PARKS AND RECREATION; PROVIDING A STATUTORY APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-15-3401, 2-15-3406, 15-35-108, 17-7-502, 18-2-301, 22-3-1002, 22-3-1003, 23-1-101, 23-1-102, 23-1-105, 23-1-108, 23-1-110, 23-1-111, 23-1-126, 23-1-128, 23-1-201, 23-1-202, 23-2-101, 23-2-102, 23-2-103, 23-2-404, 23-2-407, 23-2-409, 23-2-502, 23-2-519, 23-2-533, 23-2-536, 23-2-601, 23-2-615, 23-2-633, 23-2-636, 23-2-641, 23-2-657, 23-2-801, 23-2-806, 23-2-814, 23-2-824, 45-6-101, 45-6-203, 50-53-209, 61-3-321, 61-5-104, 70-16-302, 70-30-102, 77-2-101, 82-11-127, 82-11-185, 85-1-802, 87-1-201, 87-1-209, 87-1-218, 87-1-301, 87-1-603, AND 87-1-604, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

[House Bill No. 454](#) – (H) Died in Process - AN ACT GENERALLY REVISING THE ADMINISTRATION OF RECREATIONAL RESOURCE PROGRAMS; ADMINISTRATIVELY ATTACHING THE STATE PARKS AND RECREATION BOARD TO THE DEPARTMENT OF COMMERCE; RENAMING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO BE THE DEPARTMENT OF FISH AND WILDLIFE; CLARIFYING DEPARTMENTAL AND BOARD POWERS AND DUTIES; AUTHORIZING THE HIRING OF AN EXECUTIVE DIRECTOR OF STATE PARKS AND RECREATION; PROVIDING A STATUTORY APPROPRIATION; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-15-104, 2-15-243, 2-15-3308, 2-15-3330, 2-15-3401, 2-15-3404, 2-15-3405, 5-5-223, 5-5-231, 7-3-1105, 7-3-1222, 7-8-2507, 7-22-2151, 7-31-4110, 10-2-112, 10-2-603, 10-3-801, 10-3-1204, 15-1-122, 15-30-2380, 15-30-2618, 15-35-108, 15-38-202, 15-65-121, 16-4-210, 17-7-161, 17-7-502, 18-2-301, 19-8-101, 19-8-301, 19-8-501, 19-8-504, 20-7-132, 22-3-1002, 22-3-1003, 23-1-101, 23-1-102, 23-1-105, [23-1-106](#), [23-1-107](#), [23-1-108](#), [23-1-109](#), 23-1-110, 23-1-111, 23-1-122, 23-1-126, 23-1-127, 23-1-128, 23-1-201, 23-1-202, 23-2-101, 23-2-102, 23-2-103, 23-2-301, 23-2-403, 23-2-404, 23-2-407, 23-2-408, 23-2-409, 23-2-410, 23-2-502, 23-2-519, 23-2-533, 23-2-536, 23-2-601, 23-2-615, 23-2-616, 23-2-633, 23-2-634, 23-2-636, 23-2-641, 23-2-657, 23-2-801, 23-2-806, 23-2-814, 23-2-824, 27-1-

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721, 37-47-345, 40-5-701, 44-4-115, 45-6-101, 45-6-201, 45-6-203, 45-8-109, 45-8-321, 50-53-209, 60-3-201, 61-3-321, 61-5-104, 70-16-302, 70-30-102, 75-1-201, 75-1-220, 75-1-324, 75-5-318, 75-7-103, 75-20-216, 76-13-421, 76-16-107, 77-1-202, 77-1-405, 77-1-801, 77-1-802, 77-1-804, 77-1-815, 77-2-101, 80-7-1003, 80-7-1004, 80-7-1006, 80-7-1010, 80-7-1015, 80-8-201, 81-7-102, 82-11-127, 82-11-185, 85-1-802, 85-2-102, 85-2-223, 85-2-436, 85-9-104, 85-9-202, 85-9-204, 87-1-101, 87-1-106, 87-1-201, 87-1-202, 87-1-209, 87-1-256, 87-1-301, 87-1-503, 87-1-601, 87-1-603, 87-1-621, 87-1-622, 87-2-504, 87-2-505, 87-2-510, 87-2-522, 87-2-817, 87-4-406, 87-4-422, 87-5-601, 87-5-602, 87-5-603, 87-5-605, 90-14-105, AND 90-15-102, MCA; REPEALING SECTION 2-15-3406, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[House Bill No. 484](#) – (H) Died in Standing Committee - AN ACT INCREASING THE MOTOR VEHICLE REGISTRATION OPTIONAL FEE FOR OPERATIONS AND MAINTENANCE AT STATE PARKS, FISHING ACCESS SITES, AND STATE-OWNED FACILITIES AT VIRGINIA CITY AND NEVADA CITY; AMENDING SECTION 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[House Bill No. 607](#) – (H) Died in Standing Committee - AN ACT IMPOSING AN EXCISE TAX ON SOFT DRINKS TO BE PAID BY BOTTLERS AND IMPORTERS; PROVIDING FOR THE ADMINISTRATION OF THE TAX; PROVIDING PENALTIES; PROVIDING RULEMAKING AUTHORITY; ALLOCATING REVENUE TO STATE PARKS, AQUATIC INVASIVE SPECIES PROGRAMS, AND ADMINISTRATION OF VIRGINIA CITY AND NEVADA CITY; AND PROVIDING A DELAYED EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE.

[House Bill No. 621](#) – (H) Died in Process - AN ACT ASSESSING AN ADDITIONAL FEE ON THE REGISTRATION OF MOTOR HOMES, TRAVEL TRAILERS, MOTORCYCLES, AND QUADRICYCLES TO BENEFIT STATE PARKS, FISHING ACCESS SITES, AND CERTAIN STATE-OWNED FACILITIES; AMENDING SECTIONS 23-1-105 AND 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[Senate Bill No. 161](#) – (S) Died in Standing Committee - AN ACT REVISING THE COLLECTION OF THE FEE TO BE USED FOR STATE PARKS, FISHING ACCESS SITES, AND STATE-OWNED PROPERTIES UPON REGISTRATION OF A MOTOR VEHICLE; PROVIDING THAT A PERSON MAY ELECT TO PAY, RATHER THAN ELECT NOT TO PAY, THE FEE; INCREASING THE FEE FROM \$6 TO \$25 AND ADJUSTING PROPORTIONALLY THE AMOUNTS TO BE USED FOR VARIOUS PURPOSES; AMENDING SECTION 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

## 2015

[House Bill No. 263](#) – (H) Missed Deadline for General Bill Transmittal - AN ACT REMOVING MADISON BUFFALO JUMP STATE PARK FROM THE LIST OF PRIMITIVE PARKS; AND AMENDING SECTION 23-1-116, MCA.

[House Bill No. 386](#) – (H) Missed Deadline for General Bill Transmittal - AN ACT REVISING REQUIREMENTS FOR THE SALE TO OR EXCHANGE WITH PUBLIC ENTITIES OF STATE PARKS, STATE RECREATIONAL AREAS, STATE MONUMENTS, AND STATE HISTORIC SITES; PROVIDING NOTICE PROVISIONS; REQUIRING APPROVAL OF THE BOARD OF LAND COMMISSIONERS FOR CERTAIN TRANSACTIONS; AND AMENDING SECTIONS 77-2-351 AND 87-1-209, MCA.

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### 2013

[House Bill No. 24](#) – Chapter Number Assigned - AN ACT CREATING THE STATE PARKS AND RECREATION BOARD; PROVIDING POWERS AND DUTIES; GRANTING RULEMAKING AUTHORITY; RENAMING THE FISH, WILDLIFE, AND PARKS COMMISSION; AMENDING SECTIONS 2-15-3110, 2-15-3113, 2-15-3401, 2-15-3402, 2-15-3404, 23-1-101, 23-1-102, 23-1-106, 23-1-108, 23-1-110, 23-1-121, 23-1-122, 23-2-301, 23-2-403, 23-2-404, 23-2-408, 23-2-410, 37-47-310, 75-1-220, 77-1-405, 85-2-102, 87-1-101, 87-1-106, 87-1-202, 87-1-209, 87-1-218, 87-1-301, 87-1-303, 87-1-401, 87-1-622, AND 87-4-432, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill No. 329](#) – Vetoed by Governor - AN ACT ALLOWING FOR THE EXCAVATION AND SALE OF PALEONTOLOGICAL REMAINS FROM MAKOSHIKA STATE PARK TO BENEFIT THE PARK; GRANTING RULEMAKING AUTHORITY; AMENDING SECTIONS 22-3-432 AND 23-1-102, MCA; AND PROVIDING A TERMINATION DATE.

### 2011

[House Bill No. 98](#) – Chapter Number Assigned - AN ACT DIRECTING THAT MONEY RECEIVED FROM THE SALE OR LEASE OF STATE PARKS PROPERTIES BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND INSTEAD OF THE PERMANENT FUND; DIRECTING THE USE OF THE MONEY FOR STATE PARKS PURPOSES; AMENDING SECTIONS 10-3-801, 77-1-804, AND 87-1-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

[House Bill No. 370](#) – Chapter Number Assigned - AN ACT INCREASING THE OPTIONAL MOTOR VEHICLE REGISTRATION FEE FOR OPERATIONS AND MAINTENANCE AT STATE PARKS AND STATE-OWNED FACILITIES AT VIRGINIA CITY AND NEVADA CITY; REVISING THE OPTIONAL MOTOR VEHICLE REGISTRATION FEE PROCESS; AMENDING SECTIONS 23-1-105 AND 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[House Bill No. 628](#) – (H) Died in Standing Committee - AN ACT GENERALLY REVISING LAWS RELATED TO RECREATIONAL RESOURCE PROGRAMS; TRANSFERRING THE MANAGEMENT OF STATE PARKS, BOATING, SNOWMOBILES, AND OFF-HIGHWAY VEHICLES FROM THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO THE DEPARTMENT OF COMMERCE; CREATING THE STATE PARKS, RECREATION, AND HERITAGE BOARD TO PROVIDE COMBINED OVERSIGHT OF THE DEPARTMENT OF COMMERCE'S ADMINISTRATION OF STATE PARKS AND HERITAGE AND OUTDOOR RECREATIONAL RESOURCES; ELIMINATING THE HERITAGE PRESERVATION AND DEVELOPMENT COMMISSION; PROVIDING DEPARTMENTAL AND BOARD DUTIES, RESPONSIBILITIES, AND RULEMAKING AUTHORITY; REQUIRING REVIEW OF STATE PARK LANDS; AUTHORIZING THE SALE OR EXCHANGE OF STATE PARK LAND OR PROPERTY TO OTHER PUBLIC ENTITIES; INCREASING THE MOTOR VEHICLE REGISTRATION FEE THAT FUNDS STATE PARKS; ALLOWING PARK RANGERS TO CARRY FIREARMS; RENAMING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AS THE DEPARTMENT OF FISH AND WILDLIFE; AMENDING SECTIONS 2-15-104, 2-15-3110, 2-15-3113, 2-15-3308, 2-15-3330, 2-15-3401, 2-15-3402, 2-15-3404, 2-15-3405, 2-17-803, 7-3-1105, 7-3-1222, 7-8-2507, 7-22-2151, 7-31-4110, 10-3-1204, 15-1-122, 15-30-2618, 15-38-202, 15-65-121, 16-4-205, 16-4-210, 16-4-305, 17-7-161, 17-7-502, 18-2-301, 19-8-101, 19-8-301, 19-8-501, 19-8-504, 20-7-132, 22-3-1001, 22-3-1003, 22-3-1004, 23-1-101, 23-1-102, 23-1-105, 23-1-106, 23-1-107, 23-1-108, 23-1-110, 23-1-121, 23-1-122, 23-1-126, 23-1-127, 23-1-128, 23-1-201, 23-1-202, 23-2-101, 23-2-102, 23-2-103, 23-2-301, 23-2-403, 23-2-404, 23-2-407, 23-2-408, 23-

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2-409, 23-2-410, 23-2-502, 23-2-506, 23-2-512, 23-2-525, 23-2-527, 23-2-529, 23-2-531, 23-2-534, 23-2-536, 23-2-601, 23-2-614, 23-2-631, 23-2-633, 23-2-634, 23-2-641, 23-2-642, 23-2-644, 23-2-801, 23-2-806, 23-2-814, 27-1-721, 37-47-201, 37-47-310, 37-47-317, 37-47-318, 37-47-345, 40-5-701, 44-4-115, 45-6-101, 45-6-201, 45-6-203, 45-8-109, 45-8-321, 50-53-209, 60-3-201, 61-3-321, 61-5-104, 70-16-302, 70-30-102, 75-1-220, 75-1-324, 75-5-318, 75-7-103, 75-20-216, 76-13-421, 76-16-107, 77-1-405, 77-1-801, 77-1-802, 77-1-804, 77-1-815, 77-2-101, 80-7-1003, 80-7-1010, 80-8-201, 81-7-102, 82-11-127, 82-11-185, 85-1-802, 85-2-102, 85-2-223, 85-2-436, 85-9-104, 85-9-202, 85-9-204, 87-1-101, 87-1-102, 87-1-106, 87-1-201, 87-1-202, 87-1-209, 87-1-230, 87-1-256, 87-1-301, 87-1-603, 87-1-621, 87-2-101, 87-2-504, 87-2-505, 87-2-510, 87-2-522, 87-2-803, 87-4-406, 87-4-422, 87-4-432, 87-5-601, 87-5-602, 87-5-603, 87-5-605, 90-14-105, AND 90-15-102, MCA; REPEALING SECTIONS 22-3-1002, 23-1-103, 23-1-109, AND 23-2-652, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

[House Joint Resolution No. 32](#) – (H) Filed with Secretary of State - A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF WAYS TO IMPROVE THE MANAGEMENT, RECOGNITION, AND COORDINATION OF STATE PARKS AND OUTDOOR RECREATION AND HERITAGE RESOURCE PROGRAMS OPERATED BY THE STATE OF MONTANA.

[Senate Bill No. 13](#) – (S) Died in Process - AN ACT PROVIDING THAT A PERSON WHO REGISTERS A LIGHT VEHICLE MAY ELECT TO PAY, RATHER THAN ELECT TO NOT PAY, AN ADDITIONAL FEE OF \$4 ~~\$25~~ TO BE USED FOR STATE PARKS, FOR FISHING ACCESS SITES, AND FOR THE OPERATION OF STATE-OWNED FACILITIES; AMENDING SECTION 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

[Senate Bill No. 43](#) – Chapter Number Assigned - AN ACT REVISING LAWS RELATED TO PRIMITIVE PARKS; REVISING THE LIST OF PRIMITIVE PARKS; REVISING THE TYPES OF DEVELOPMENT THAT MAY OCCUR IN PRIMITIVE PARKS; AND AMENDING SECTIONS 23-1-116, 23-1-117, AND 23-1-118, MCA.

[Senate Bill No. 160](#) – Chapter Number Assigned - AN ACT AUTHORIZING THE USE OF OFF-HIGHWAY VEHICLES ON DESIGNATED ROADS AND DESIGNATED TRAILS WITHIN STATE PARKS AND FISHING ACCESS SITES; AND AMENDING SECTION 23-1-128, MCA.

## 2009

[House Bill No. 51](#) – (H) Died in Standing Committee - AN ACT PROVIDING THAT A PERSON WHO REGISTERS A LIGHT VEHICLE MAY ELECT TO PAY, RATHER THAN ELECT TO NOT PAY, AN ADDITIONAL FEE OF \$4 TO BE USED FOR STATE PARKS, FOR FISHING ACCESS SITES, AND FOR THE OPERATION OF STATE-OWNED FACILITIES; AMENDING SECTION 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Prepared by Hope Stockwell