



ENVIRONMENTAL QUALITY COUNCIL

PO BOX 201704
HELENA, MONTANA 59620-1704
(406) 444-3742

GOVERNOR BRIAN SCHWEITZER
DESIGNATED REPRESENTATIVE
MIKE VOLESKY

HOUSE MEMBERS
DUANE ANKNEY--Vice
JERRY BENNETT
BILL MCCHESENEY
MICHELE REINHART
CARY SMITH
KATHLEEN WILLIAMS

SENATE MEMBERS
JIM KEANE--Chair
JOHN BRENDEN
BRADLEY MAXON HAMLETT
RICK RIPLEY
CHAS VINCENT
GENE VUCKOVICH

PUBLIC MEMBERS
DEXTER BUSBY
DIANE CONRADI
MARY FITZPATRICK
JOHN YOUNGBERG

COUNCIL STAFF
JASON MOHR, Research Analyst
SONJA NOWAKOWSKI, Research Analyst
HOPE STOCKWELL, Research Analyst
HELEN THIGPEN, Staff Attorney
KEVIN MCCUE, Secretary
JOE KOLMAN, Legislative Environmental Analyst

July 1, 2012

To: EQC Members
Fr: Hope Stockwell, Research Analyst
Re: Proposed amendments to LC 9000

Attached are the amendments to LC 9000 that were requested by EQC members since your May 2012 meeting. The proposed changes are highlighted in yellow.

Amendment 1a -- Sen. Keane -- Section 1 of LC 9000, page 1-2

(2) (a) The board consists of five members appointed by the governor, as prescribed in 2-15-124. The governor shall appoint one member from each of the following districts:

(a)(i) District No. 1, consisting of Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Powell, Ravalli, Granite, and Lewis and Clark Counties;

(b)(ii) District No. 2, consisting of Deer Lodge, Silver Bow, Beaverhead, Madison, Jefferson, Broadwater, Gallatin, Park, and Sweet Grass Counties;

(c)(iii) District No. 3, consisting of Glacier, Toole, Liberty, Hill, Pondera, Teton, Chouteau, Cascade, Judith Basin, Fergus, Blaine, Meagher, and Wheatland Counties;

(d)(iv) District No. 4, consisting of Phillips, Valley, Daniels, Sheridan, Roosevelt, Petroleum, Garfield, McCone, Richland, Dawson, and Wibaux Counties;

(e)(v) District No. 5, consisting of Golden Valley, Musselshell, Stillwater, Carbon, Yellowstone, Big Horn, Treasure, Rosebud, Custer, Powder River, Carter, Fallon, and Prairie Counties.

(b) One of the members appointed by the governor must also be a member of the Montana heritage preservation and development commission established in 22-3-1002.

Amendment 1b -- Rep. Williams -- Section 1 of LC 9000, page 2

(3) Appointments must be made without regard to political affiliation and must be made solely for the wise management of state parks and outdoor recreational and heritage resources administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, 5, 6, 8, and 9.

Amendment 2 -- Rep. Williams -- Section 2 of LC 9000, page 3-5
Powers and duties of board -- rulemaking -- meetings. (1) Except as provided in subsection (2), for state parks, primitive parks, state recreational areas, public camping grounds, state historic sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, 5, 6, 8, and 9, the board shall:

(a) set the policies of and provide direction to the department for:

2a

(i) the management, protection, conservation, and preservation of these properties, lands, and waters in a way that promotes their importance and their appropriate role relative to tourism and the economic health of Montana;

2b

(ii) coordinating, integrating, promoting, and furthering opportunities for education and recreation at these sites, including but not limited to camping, hiking, snowmobiling, off-highway vehicle use, horseback riding, mountain biking, and boating;

2c

(b) work with local, state, and federal agencies to evaluate, integrate, coordinate, and promote recreational opportunities statewide;

2d

~~(b)~~(c) work with the commission to maintain manage hunting and angling opportunities on these lands and waters;

~~(c)~~(d) establish the rules of the department governing the use of these properties, lands, and waters. The rules must be adopted in the interest of public health, public safety, and protection of property and public resources in regulating swimming, boating, including but not limited to boating speed regulations, the operation of motor-driven boats, the operation of personal watercraft, the resolution of conflicts between users of motorized and nonmotorized boats, waterskiing, surfboarding, picnicking, camping, and sanitation. These rules are subject to review and approval by the department of public health and human services with regard to issues of public health and sanitation before becoming effective. Copies of the rules must show that endorsement.

~~(d)~~(e) review and approve all acquisitions or transfers by the department of interest in these properties, lands, and waters;

~~(e)~~(f) review and approve the budget of the department for the administration of these properties, lands, and waters prior to its transmittal to the budget office;

~~(f)~~(g) review and approve construction projects that have an estimated cost of more than \$1,000 but less than \$5,000;

~~(g) work with local, state, and federal agencies to~~

~~evaluate, integrate, coordinate, and promote recreational opportunities statewide; and~~

(h) encourage citizen involvement in management planning for these properties, lands, and waters; and

(i) develop and keep current a strategic plan to promote a vibrant and cost-effective parks system and efficient and effective achievement of the duties prescribed in this part into the future.

2e

(2) Pursuant to 87-1-301(1), the board does not oversee department activities related to the administration of fishing access sites.

2f

(3) The members of the board shall hold meet at least quarterly or other meetings for the transaction of business at times and places considered necessary and proper. The meetings must be called by the presiding officer or by a majority of the board and must be held at the time and place specified in the call for the meeting. A majority of the members constitutes a quorum for the transaction of any business. The board shall keep a record of all the business it transacts. The presiding officer and secretary shall sign all orders, minutes, or documents for the board.

Amendment 3a -- Mr. Youngberg -- Section 2 of LC 9000, page 4
Powers and duties of board -- rulemaking -- meetings. (1) Except as provided in subsection (2), for state parks, primitive parks, state recreational areas, public camping grounds, state historic sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, 5, 6, 8, and 9, the board shall:

...
(f) review and approve construction projects that have an estimated cost of more than ~~\$1,000 but less than~~ \$5,000;

or

Amendment 3b -- Sen. Brenden -- Section 2 of LC 9000, page 4
Powers and duties of board -- rulemaking -- meetings. (1) Except as provided in subsection (2), for state parks, primitive parks, state recreational areas, public camping grounds, state historic sites, state monuments, and other heritage and recreational resources, land, and water administered pursuant to Title 23, chapter 1, and Title 23, chapter 2, parts 1, 4, 5, 6, 8, and 9, the board shall:

...
(f) review and approve ~~construction projects~~ any expenditure that ~~have~~ has an estimated cost of more than ~~\$1,000 but less~~ than \$5,000;

Amendment 4 -- Rep. Williams -- Section 10 of LC 9000, page 14
23-1-106. Rules -- penalties -- enforcement. (1) The department and board may make rules governing the use, occupancy, and protection of the property ~~under its control~~ administered pursuant to this part.

Amendment 5a -- Rep. Williams -- Section 20 of LC 9000, page 24-25

Definitions. As used in this part, unless the context clearly requires a different meaning, the following definitions apply:

(1) "Board" means the state parks and recreation board established in [section 1]. For the purposes of this part, the board has jurisdiction over recreational use of all waters immediately adjacent to lands administered pursuant to Title 23, chapter 1, and all waters administered pursuant to Title 23, chapter 2, part 4.

~~(1)~~(2) "Certificate of number" means the certificate issued by the department of justice, an authorized agent, as defined in 61-1-101, or a county treasurer to the owner of a motorboat or sailboat, assigning the motorboat or sailboat an identifying number and containing other information as required by the department of justice.

(3) "Commission" means the fish and wildlife commission established in 2-15-3402. For the purposes of this part, the commission has jurisdiction over recreational use of all waters that are not immediately adjacent to lands administered pursuant to Title 23, chapter 1, and all waters not administered pursuant to Title 23, chapter 2, part 4.

Amendment 5b -- Mr. Youngberg -- Section 20 of LC 9000, page 24-25

Definitions. As used in this part, unless the context clearly requires a different meaning, the following definitions apply:

(1) "Board" means the state parks and recreation board established in [section 1]. For the purposes of this part, the board has jurisdiction over all waters within or immediately adjacent to the boundaries of lands administered pursuant to Title 23, chapter 1, and all waters administered pursuant to Title 23, chapter 2, part 4.

~~(1)~~(2) "Certificate of number" means the certificate issued by the department of justice, an authorized agent, as defined in 61-1-101, or a county treasurer to the owner of a motorboat or sailboat, assigning the motorboat or sailboat an identifying number and containing other information as required by the department of justice.

(3) "Commission" means the fish and wildlife commission established in 2-15-3402. For the purposes of this part, the commission has jurisdiction over all waters that are not within or immediately adjacent to the boundaries of lands administered pursuant to Title 23, chapter 1, and all waters not administered pursuant to Title 23, chapter 2, part 4.