

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

March 27, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on March 27, 1987, at 8:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present with the exception of Rep. Daily who was excused.

ACTION ON SENATE BILL NO. 372: Rep. Bulger moved that SB 372 BE CONCURRED IN. He moved his amendments which basically clarify the bill. (See amendments attached).

Rep. Lory questioned Rep. Bulger in regard to section 6. He wondered if good faith was deleted. Rep. Mercer explained that good faith means expressly provided for and Senator Pinsonault recommended that the section be deleted. Rep. Mercer stated he does not care for this bill because it is too complicated and the auto dealers and their counsel are not going to like this provision because it will scare them. They will be scared that they will not know what they have to do or not do in good faith. He pointed out that the provision should be taken out. Rep. Eudaily asked Rep. Bulger to explain the two year, 18,000 mile Montana warranty as compared to the manufacturer's warranty. Rep. Bulger explained that as he reads the law, regardless of what the new car manual says, the manufacturer is obliged by Montana law to give a warranty that includes at least two years or 18,000 miles, whichever is first. Rep. Eudaily stated that his warranty reads 12,000. Rep. Bulger read section 61-04-501, subsection 6, from the Montana Code and pointed out that he is correct. Rep. Eudaily stated that the manufacturers should make that clear in the Montana warranties. Rep. Gould explained that the lemon law passed last session has not had enough of a chance to work and we should not push in this bill. He made the motion to table the bill. A voice vote was called for and the motion FAILED on a tie vote of 8-8. Rep. Meyers made a substitute motion to delete section 6 in its entirety. Question was called and a voice vote was taken. The motion CARRIED 11-6, with Reps. Bulger, Miles, Strizich, Darko and Brown dissenting. Question was called on Rep. Bulger's amendments. A voice vote was called and the motion CARRIED 10-6. Rep. Bulger moved that SB 372, BE CONCURRED IN AS AMENDED. Question was called and a voice vote was taken. The motion FAILED 7-8. Rep. Giacometto moved to table the bill. A voice vote was taken and the motion FAILED 5-11. Rep. Gould moved that SB

372, BE NOT CONCURRED IN AS AMENDED. Question was called and a voice vote was taken. The motion CARRIED 10-6. SB 372, BE NOT CONCURRED IN AS AMENDED.

ACTION ON SENATE BILL NO. 48: Rep. Mercer stated this bill was in a tort reform subcommittee and it was unanimously favored by the subcommittee to table the bill. He stated the subcommittee could not recommend passage in its present form. Rep. Miles moved to table the bill. A voice vote was called for and the motion CARRIED 11-4. SB 48, TABLED.

ACTION ON SENATE BILL NO. 173: Rep. Miles moved that SB 173, BE CONCURRED IN. Question was called and a roll call vote was called for. The motion FAILED on a tie vote of 9-9. Rep. Strizich moved, BE NOT CONCURRED IN. Question was called and a roll call vote was called for. The motion CARRIED 11-7. (Roll call vote attached). SB 173, BE NOT CONCURRED IN.

ACTION ON SENATE BILL NO. 275: Rep. Hannah moved that SB 275, BE CONCURRED IN. Rep. Mercer stated the bill has some technical problems. He pointed out that there is a conflict in regard to the minor's assets. The issue seems to be the concept of checking into the youth's parents assets and the youth's assets before a court can appoint an attorney. If they have sufficient assets then the court can deny them a free attorney. Rep. Mercer moved to amend by striking lines 18-20 on page 1 in their entirety and amend page 2, lines 2, 9 and 11. (See amendments attached). Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Hannah moved the bill, BE CONCURRED IN AS AMENDED. Question was called and a voice vote was taken. The motion carried 15-1 with Rep. Brown dissenting. SB 275, BE CONCURRED IN AS AMENDED.

ACTION ON SENATE BILL NO 286: Rep. Mercer moved that SB 286, BE CONCURRED IN. He moved the amendments adopted by the subcommittee. Rep. Rapp-Svrcek made a substitute motion to amend the amendments by striking the reference to prohibiting campfires and also striking the language in regard to overnight camping by reinserting the original language of no camping within sight of a dwelling. He also stated that he does not see any problem with building a campfire within the high water mark of a stream bed. Rep. Addy spoke against the motion. He pointed out that we are not talking about camping on public lands. The language in the bill relates to camping on private land without the landowners permission. Minimal impact camping is a fine policy to adopt in this state on lands adjacent to public waters, he said. Rep. Addy further stated that he supports Rep. Mercer's amendments.

Rep. Miles stated there are times when it is necessary for people to build campfires for survival. Rep. Cobb explained that no judge will convict someone if a campfire is built for survival. Rep. Meyers stated that he agrees with Rep. Addy's comments and added that there is a real reason for minimizing campfire use and that is the fire danger to forests and open ranges. Rep. Keller agreed with Rep. Meyers in regard to campfires being built. Rep. Grady favors the motion. He stated that camping and building fires go together. Rules can be set up by the department without having it in statute.

Rep. Cobb stated the department's rules are very strict. Rep. Grady stated that it does not need to be the same rules that the department sets for parks but rules can be addressed by the department in this area. Rep. Brown asked Rep. Mercer if overnight camping and campfires were part of the Supreme Court decision and Rep. Mercer stated, "yes". Rep. Brown said that exceptions need to be put into the bill as discussed by Rep. Miles. Rep. Giacometto pointed out that there is only one game warden in Montana for hundreds and hundreds of miles and he opposes the motion. Rep. Rapp-Svrcek requested that his amendment be divided. Question was called and a voice vote was taken on deleting section "G". The motion FAILED 6-11. Question was called on the amendment to delete camping within 500 yards of a dwelling or out of sight of a dwelling, which ever is less. A voice vote was taken and the motion FAILED 6-11. Rep. Addy moved to amend on page 2, line 18, inserting the word "emergency". Question was called and a voice vote was taken. The motion CARRIED unanimously. Rep. Mercer moved the amendments. (See amendments attached). Question was called and a voice vote was taken. The motion CARRIED 13-5, with Reps. Strizich, Rapp-Svrcek, Miles, Brown and Daily dissenting. Rep. Addy moved that SB 286, BE CONCURRED IN AS AMENDED. Rep. Brown moved a substitute motion that SB 286, BE NOT CONCURRED IN AS AMENDED. Question was called and Rep. Brown called for a roll call vote. The motion FAILED 5-13. Rep. Brown moved the vote be reversed and recorded as BE CONCURRED IN AS AMENDED. SB 286, BE CONCURRED IN AS AMENDED. (See roll call vote attached).

ACTION ON SENATE BILL NO. 363: Rep. Darko stated that this bill is needed because the minimum amount allowed by the Federal Government is sometimes more than half the wages the father was making. There is no latitude for the judge to lower that amount of child support. The amount cannot be less than 25% of his salary. Rep. Darko moved that SB 363, BE CONCURRED IN. Rep. Mercer explained that the problem with the bill is that it says it is an act to establish the minimum amount that must be deducted. Rep. Addy stated that the law currently establishes the maximum and the maximum is

really the minimum. By putting a floor under the ceiling you give the judge a range of discretion. Rep. Mercer asked Rep. Darko what is the limit that is in the bill. Rep. Darko answered that the floor is 25% of the income. Rep. Mercer pointed out that a subsection could be put in and still the current law could be used. He suggested using the language, "in no event may child support income be more than 25% of the wages". Rep. Darko stated it has to be a lower amount. Rep. Meyers acknowledged that the bill was too confusing and perhaps it needed to be killed. Rep. Miles stated that the Federal law states that not more than 50% of a person's wages can be taken and we can lower that amount. Mr. MacMaster, the staff attorney, explained that the only thing added to the bill as originally drafted was on lines 14-19 on page 1, and the Senate put on page 1, lines 20-25, and page 2, lines 4 and 5. Rep. Addy stated that the introduced bill was fine. Rep. Darko moved that the Senate amendments be taken off and that the bill be put back to its original form. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See amendments attached). Rep. Darko moved that SB 363, BE CONCURRED IN AS AMENDED. The motion CARRIED unanimously. SB 363, BE CONCURRED IN AS AMENDED.

ADJOURNMENT: There being no further business to come before the committee, the hearing was adjourned at 10:06 a.m.



EARL LORY, Chairman

DAILY ROLL CALL
 JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 27, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)		✓	✓
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE March 24, 1987 BILL NO. 286 TIME 9:30 A.M.

NAME	EXCUSED	AYE	NAY
JOHN MERCER			✓
LEO GIACOMETTO			✓
BUDD GOULD			✓
AL MEYERS			✓
JOHN COBB			✓
ED GRADY			✓
PAUL RAPP-SVRCEK		✓	
VERNON KELLER			✓
RALPH EUDAILY			✓
TOM BULGER			✓
JOAN MILES		✓	
FRITZ DAILY		✓	
TOM HANNAH			✓
BILL STRIZICH		✓	
PAULA DARKO			✓
KELLY ADDY			✓
DAVE BROWN		✓	
EARL LORY			✓

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Gene J. Tobell
Secretary

Earl Lory
Chairman

MOTION: BE NOT CONCURRED IN!
AS AMENDED

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE March 27, 1987 BILL NO. 286 TIME 9:33A.M.

NAME	EXCUSED	AYE	NAY
JOHN MERCER		✓	
LEO GIACOMETTO		✓	
BUDD GOULD		✓	
AL MEYERS		✓	
JOHN COBB		✓	
ED GRADY		✓	
PAUL RAPP-SVRCEK			✓
VERNON KELLER		✓	
RALPH EUDAILY		✓	
TOM BULGER		✓	
JOAN MILES			✓
FRITZ DAILY			✓
TOM HANNAH		✓	
BILL STRIZICH			✓
PAULA DARKO		✓	
KELLY ADDY		✓	
DAVE BROWN			✓
EARL LORY		✓	

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James J. Adell
Secretary

Earl Lory
Chairman

MOTION: BE CONCURRED IN AS AMENDED

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE March 27, 1987 BILL NO. 173 TIME 9:40 A.M.

NAME	EXCUSED	AYE	NAY
JOHN MERCER		✓	
LEO GIACOMETTO		✓	
BUDD GOULD		✓	
AL MEYERS		✓	
JOHN COBB			✓
ED GRADY			✓
PAUL RAPP-SVRCEK		✓	
VERNON KELLER			✓
RALPH EUDAILY			✓
TOM BULGER		✓	
JOAN MILES			✓
FRITZ DAILY			✓
TOM HANNAH		✓	
BILL STRIZICH		✓	
PAULA DARKO		✓	
KELLY ADDY		✓	
DAVE BROWN			✓
EARL LORY		✓	

TALLY

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Bernice J. Fodell
Secretary

Earl Lory
Chairman

MOTION: BE NOT CONCURRED IN

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE March 27, 1987 BILL NO. 173

TIME 9:32 A.M.

NAME	EXCUSED	AYE	NAY
JOHN MERCER			✓
LEO GIACOMETTO		✓	
BUDD GOULD			✓
AL MEYERS			✓
JOHN COBB			✓
ED GRADY		✓	
PAUL RAPP-SVRCEK		✓	
VERNON KELLER		✓	
RALPH EUDAILY		✓	
TOM BULGER			✓
JOAN MILES		✓	
FRITZ DAILY		✓	
TOM HANNAH			✓
BILL STRIZICH		✓	
PAULA DARKO		✓	
KELLY ADDY			✓
DAVE BROWN			✓
EARL LORY			✓

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Renee J. Fadel
Secretary

Earl Lory
Chairman

MOTION: Be CONCURRED IN / MOTION FAILS

STANDING COMMITTEE REPORT

MARCH 27,

1987

Mr. Speaker: We, the committee on JUDICIARY

report SENATE BILL NO. 363

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

1. Page 1, line 13.

Following: "bet"

Strike: "i"

2. Page 1, line 20 through line 1 of page 2.

Strike: "(A) (1) THE" on page 1, line 20 through "(B)" on line 1 of page 2

3. Page 2, lines 4 and 5.

Strike: "IF THE SUM PROVIDED IN SUBSECTION (1) (A) EXCEEDS THAT AMOUNT"

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REP. DARGO WILL CARRY THE BILL!

STANDING COMMITTEE REPORT

MARCH 27,

19 87

JUDICIARY

Mr. Speaker: We, the committee on

report SENATE BILL NO. 286

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

AMENDMENTS TO SB 286, PROPOSED BY SUBCOMMITTEE OF HOUSE JUDICIARY COMMITTEE.

1. Title, line 11.

Strike: "REVISE"

Insert: "CLARIFY"

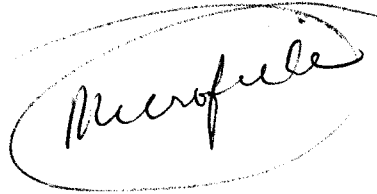
2. Title, line 12.

Following: "23-2-301,"

Insert: "23-2-301,"

Following: "23-2-302,"

Insert: ",,"



3. Page 1, line 18.

Following: line 17

Insert: "Section 1. Section 23-2-301, MCA, is amended to read:

"23-2-301. Definitions. For purposes of this part, the following definitions apply:


(1) "Barrier" means an artificial obstruction located in or over a water body, restricting passage on or through the water, which totally or effectively obstructs the recreational use of the surface water at the time of use. A barrier may include but is not limited to a bridge or fence or any other manmade obstacle to the natural flow of water.

(2) "Class I waters" means surface waters, other than lakes, that:

(a) lie within the officially recorded federal government survey meander lines thereof;

(b) flow over lands that have been judicially determined to be owned by the state by reason of application of the federal navigability test for state streambed ownership;

(c) are or have been capable of supporting the following commercial activities: log floating, transportation of furs and skins, shipping, commercial guiding using multiperson watercraft, public transportation, or the transportation of merchandise, as these activities have been defined by published judicial opinion as of April 19, 1985; or


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REP. ELLISON WILL CARRY THE BILL!

(d) are or have been capable of supporting commercial activity within the meaning of the federal navigability test for state streambed ownership.

(3) "Class II waters" means all surface waters that are not class I waters, except lakes.

(4) "Commission" means the fish and game commission provided for in 2-15-3402.

(5) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.

(6) "Diverted away from a natural water body" means a diversion of surface water through a manmade water conveyance system, including but not limited to:

(a) an irrigation or drainage canal or ditch;

(b) an industrial, municipal, or domestic water system, excluding the lake, stream, or reservoir from which the system obtains water;

(c) a flood control channel; or

(d) a hydropower inlet and discharge facility.

(7) "Lake" means a body of water where the surface water is retained by either natural or artificial means and the natural flow of water is substantially impeded.

(8) "Occupied dwelling" means a building used for a human dwelling at least once a year.

(9) "Ordinary high-water mark" means the line that water impresses on land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A flood plain adjacent to surface waters is not considered to lie within the surface waters' high-water marks.

(10) "Recreational use" means with respect to surface waters, unless otherwise prohibited or regulated by law: fishing, hunting waterfowl, swimming, floating in small craft or other flotation devices, boating in motorized craft ~~unless otherwise prohibited or regulated by law~~, or craft propelled by oar or paddle, other water-related pleasure activities, and related unavoidable or incidental uses.

(11) "Supervisors" means the board of supervisors of a soil conservation district, the directors of a grazing district, or the board of county commissioners if a request pursuant to 23-2-311(3)(b) is not within the boundaries of a conservation district or if the request is refused by the board of supervisors of a soil conservation district or the directors of a grazing district.

(12) "Surface water" means, for the purpose of determining the public's access for recreational use, a natural water body, its bed, and its banks up to the ordinary high-water mark."

Renumber: subsequent sections

4. Page 1, line 23.

Following: "waters."

Insert: "However, any use of the bed and banks must be of minimal impact and necessary for utilization of the water itself."

5. Page 2, line 13.

Strike: "big game"

6. Page 2, line 14.

Following: "commission"

Strike: ";

Insert: ", except waterfowl hunting. This subsection (d) does not require permission of the landowner unless permission is otherwise required by 45-6-201 and 45-6-203 or by 87-3-304."

7. Page 2, line 18.

Following: "permanent"

Insert: "or seasonal"

8. Page 2, line 21.

Strike: "permanent"

Strike: "or"

9. Page 2, line 23.

Following: "therein"

Strike: "."

Insert: ";

(g) campfires, except portable stoves, unless mandated by an emergency;

(h) overnight camping, unless it is necessary for utilization of the water itself and unless it does not occur within sight or 500 yards of an occupied dwelling; or

(i) other activities which are not primarily water-related pleasure activities as provided for in 23-2-301(10)."

10. Page 2, line 25.

Following: "include"

Strike: "."

Insert: "overnight camping"

11. Page 3, lines 1 through 3.

Following: "landowner" on line 1

Strike: ":" on line 1 through "23-2-301(10)" on line 3

12. Page 5, line 19.

Following: "barriers"

Insert: ", whether or not the landowner owns the barrier,"

13. Page 5, lines 21 through 25.

Strike: "The" on line 21 through end of line 25

14. Page 6, line 3.

Strike: "(e)"

Insert: "(d)"



STANDING COMMITTEE REPORT

MARCH 27,

19 37

JUDICIARY

Mr. Speaker: We, the committee on
SENATE BILL NO. 275
report

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

1. Title, line 8.

Strike: "SECTIONS 46-8-102 AND"

Insert: "SECTION"

2. Page 1, lines 11 through 20.

Strike: section 1 of the bill in its entirety

Renumber: subsequent section

3. Page 2, line 2.

Strike: "Appointed"

Insert: "Except as provided in subsection (3), appointed"

4. Page 2, line 9.

Following: "with"

Insert: "an offense which, if committed by an adult, would be

5. Page 2, line 11.

Following: "parents"

Insert: "and may deny or appoint counsel accordingly"


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REP. HANNAH WILL CARRY THE BILL!

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STANDING COMMITTEE REPORT

MARCH 27, 19 97

Mr. Speaker: We, the committee on JUDICIARY

report SENATE BILL NO. 173

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

Chairman

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STANDING COMMITTEE REPORT

MARCH 27,

87

19

JUDICIARY

Mr. Speaker: We, the committee on

SENATE BILL NO. 372

report

do pass

do not pass

be concurred in

be not concurred in

as amended

statement of intent attached

Chairman

1. Title, lines 6 and 7.

Strike: "THE DEALER AS AN AGENT OF"

2. Title, line 7.

Strike: "IMPOSING AN OBLIGATION OF GOOD FAITH;"

3. Page 1, line 23 through line 3 of page 2.

Strike: "For" on page 1, line 23 through end of line 3 on page 2

Insert: "A dealer performing warranty repair work on a new motor vehicle shall give the owner a repair invoice that states the warranty repair work completed. The invoice must include, in bold face print on the face of the invoice, the following:

"This invoice includes warranty work. Keep it. If the repairs are unsatisfactory, consult your dealer. If you believe the vehicle has defects covered under the warranty which persist despite attempts to repair them, you should notify the manufacturer before the warranty expires to protect your rights under state law. In this state, the new car warranty period must be at least 2 years or 18,000 miles, whichever comes first. See your warranty agreement for further details, or consult your dealer."

The provision of the invoice to the owner by the dealer does not impose any responsibility or liability on the dealer for warranty compliance, which remains a contractual obligation of the manufacturer and an agreement between the manufacturer and the owner to which the dealer is not a party."

4. Page 2, lines 11 through 13.

Strike: "A warranty" on line 11 through end of line 13.

5. Page 2, line 15.

Following: "vehicle"

Insert: "The manufacturer must clearly and conspicuously disclose to the consumer in the warranty or owner's manual that written notification of a nonconformity is required

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REP. BOLGER WILL CARRY THE BILL!

before a consumer may be eligible for a refund or replacement of the vehicle."

6. Page 5, line 28.

Following: "and"

Insert: "where the written notification must be sent to the name and address"

7. Page 6, lines 4 through 9.

Strike: section 6 of the bill in its entirety

ReNUMBER: subsequent section 7 as section 6

8. Page 6, lines 19 through 23.

Strike: section 8 of the bill in its entirety

ReNUMBER: subsequent section 9 as section 7.

AMENDMENTS TO SB 286, PROPOSED BY SUBCOMMITTEE OF HOUSE JUDICIARY COMMITTEE.

1. Title, line 11.

Strike: "REVISE"

Insert: "CLARIFY"

2. Title, line 12.

Following: "~~23-2-301~~7"

Insert: "23-2-301,"

Following: "23-2-3027"

Insert: ", "

3. Page 1, line 18.

Following: line 17

Insert: "Section 1. Section 23-2-301, MCA, is amended to read:
"23-2-301. Definitions. For purposes of this part, the following definitions apply:

(1) "Barrier" means an artificial obstruction located in or over a water body, restricting passage on or through the water, which totally or effectively obstructs the recreational use of the surface water at the time of use. A barrier may include but is not limited to a bridge or fence or any other manmade obstacle to the natural flow of water.

(2) "Class I waters" means surface waters, other than lakes, that:

(a) lie within the officially recorded federal government survey meander lines thereof;

(b) flow over lands that have been judicially determined to be owned by the state by reason of application of the federal navigability test for state streambed ownership;

(c) are or have been capable of supporting the following commercial activities: log floating, transportation of furs and skins, shipping, commercial guiding using multiperson watercraft, public transportation, or the transportation of merchandise, as these activities have been defined by published judicial opinion as of April 19, 1985; or

(d) are or have been capable of supporting commercial activity within the meaning of the federal navigability test for state streambed ownership.

(3) "Class II waters" means all surface waters that are not class I waters, except lakes.

(4) "Commission" means the fish and game commission provided for in 2-15-3402.

(5) "Department" means the department of fish, wildlife, and parks provided for in 2-15-3401.

(6) "Diverted away from a natural water body" means a diversion of surface water through a manmade water conveyance system, including but not limited to:

(a) an irrigation or drainage canal or ditch;

(b) an industrial, municipal, or domestic water system, excluding the lake, stream, or reservoir from which the system obtains water;

(c) a flood control channel; or

(d) a hydropower inlet and discharge facility.

(7) "Lake" means a body of water where the surface water is retained by either natural or artificial means and the natural flow of water is substantially impeded.

(8) "Occupied dwelling" means a building used for a human dwelling at least once a year.

(9) "Ordinary high-water mark" means the line that water impresses on land by covering it for sufficient periods to cause physical characteristics that distinguish the area below the line from the area above it. Characteristics of the area below the line include, when appropriate, but are not limited to deprivation of the soil of substantially all terrestrial vegetation and destruction of its agricultural vegetative value. A flood plain adjacent to surface waters is not considered to lie within the surface waters' high-water marks.

(10) "Recreational use" means with respect to surface waters, unless otherwise prohibited or regulated by law: fishing, hunting waterfowl, swimming, floating in small craft or other flotation devices, boating in motorized craft ~~unless otherwise prohibited or regulated by law,~~ or craft propelled by oar or paddle, other water-related pleasure activities, and related unavoidable or incidental uses.

(11) "Supervisors" means the board of supervisors of a soil conservation district, the directors of a grazing district, or the board of county commissioners if a request pursuant to 23-2-311(3)(b) is not within the boundaries of a conservation district or if the request is refused by the board of supervisors of a soil conservation district or the directors of a grazing district.

(12) "Surface water" means, for the purpose of determining the public's access for recreational use, a natural water body, its bed, and its banks up to the ordinary high-water mark."

Renumber: subsequent sections

4. Page 1, line 23.

Following: "waters."

Insert: "However, any use of the bed and banks must be of minimal impact and necessary for utilization of the water itself."

5. Page 2, line 13.

Strike: "big game"

6. Page 2, line 14.

Following: "commission"

Strike: ";

Insert: ", except waterfowl hunting. This subsection (d)

does not require permission of the landowner unless permission is otherwise required by 45-6-201 and 45-6-203 or by 87-3-304."

7. Page 2, line 18.
Following: "permanent"
Insert: "or seasonal"

8. Page 2, line 21.
Strike: "permanent"
Strike: "or"

9. Page 2, line 23.
Following: "therein"
Strike: "."
Insert: ";

- (g) campfires, except portable stoves;
- (h) overnight camping, unless it is necessary for utilization of the water itself and unless it does not occur within sight of or within 500 yards of an occupied dwelling;
- or
- (i) other activities which are not primarily water-related pleasure activities as defined in 23-2-301(10)."

10. Page 2, line 25.
Following: "include"
Strike: ", "
Insert: "overnight camping"

11. Page 3, lines 1 through 8.
Following: "landowner" on line 1
Strike: ":" on line 1 through "23-2-301(10)" on line 8

12. Page 5, line 19.
Following: "barriers"
Insert: ", whether or not the landowner owns the barrier,"

13. Page 5, lines 21 through 25.
Strike: "The" on line 21 through end of line 25

14. Page 6, line 9.
Strike: "(e)"
Insert: "(d)"