

*Kelly Mular Lynch*  
*Zause* BILL NO. *79*  
 INTRODUCED BY *Luebke Huemmler Vincent*  
*Menahan Kemmer Harper Tague, Curran*

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A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW UTILIZATION OF MONTANA STREAMS AND RIVERS FOR RECREATIONAL USES."

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

Section 1. Purpose. The purpose of this act is to allow utilization of all Montana rivers and streams for recreational uses.

Section 2. Recreational use. Streams and rivers of the state of Montana, between the lines of ordinary high water, may be utilized for recreational uses by any natural person. This use is a public use in accordance with Article IX, section three, of the Montana constitution. This use does not allow trespass of land adjacent to the stream or river.

Section 3. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

INTRODUCED BILL

HB 79

Approved by Committee  
on Natural Resources

HOUSE BILL NO. 79

INTRODUCED BY LUEBECK, HUENNEKENS, VINCENT, MENAHAN,  
KEMMIS, HARPER, TEAGUE, DUSSAULT, KELLY, MULAR, LYNCH

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW UTILIZATION OF  
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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Purpose. The purpose of this act is to  
allow utilization of all Montana rivers and streams for  
recreational uses.

Section 2. Recreational use. Streams and rivers of  
the state of Montana, HAVING A MEAN ANNUAL FLOW OF AT LEAST  
TEN (10) CUBIC FEET PER SECOND between the lines of ordinary  
high water WITHIN THE STREAMBED, may be utilized for  
recreational uses by any natural person. This use is a  
public use in accordance with Article IX, section 3, of the  
Montana constitution. This use does not allow trespass of  
land adjacent to the stream or river.

Section 3. Severability. If a part of this act is  
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-End-

SECOND READING

4/19/02

Approved by Committee  
on Natural Resources

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 11 recreational uses.  
 12 Section 2. Recreational use. Streams and rivers of  
 13 the state of Montana, HAVING A MEAN ANNUAL FLOW OF AT LEAST  
 14 ~~TEN-(10) THIRTY-(30)~~ TWO HUNDRED (200) CUBIC FEET PER SECOND  
 15 between the lines of ordinary high water WITHIN THE  
 16 STREAMBED, may be utilized for recreational uses by any  
 17 natural person. This use is a public use in accordance with  
 18 Article IX, section 3, of the Montana constitution. This  
 19 use does not allow trespass of land adjacent to the stream  
 20 or river.  
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THIRD READING

SECOND PRINTING 8/11/05