

1 *These* BILL NO. *579*
 2 INTRODUCED BY *Luebeck* *Shelden* *Hummel*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
 5 26-104.9, R.C.M. 1947, TO CLARIFY THE COMMISSION'S POWER TO
 6 REGULATE THE USE OF LANDS BY ADDING LAKES, RIVERS, AND
 7 STREAMS AND THE OPERATION OF MOTOR BOATS TO ITS
 8 JURISDICTION; AND PROVIDING AN EFFECTIVE DATE."

9 WHEREAS, in 1973 the laws relating to the department of
 10 fish and game were codified and generally revised in chapter
 11 511, Laws of 1973. However, certain amendments made in
 12 chapter 279, Laws of 1971 were not incorporated into the
 13 codification of 26-104.9. Therefore the purpose of this act
 14 is merely to clarify the law, and does not amend it in
 15 substance.

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Section 26-104.9, R.C.M. 1947, is amended
 19 to read as follows:

20 "26-104.9. Regulation of use of lands. (1) The
 21 commission may adopt and enforce rules governing uses of
 22 lands acquired or held under easement by the commission, or
 23 lands which it operates under agreement with or in
 24 conjunction with a federal or state agency or private owner.
 25 The rules shall be adopted in the interest of public health,

1 public safety, and protection of property in regulating the
 2 use of these lands. All lease and easement agreements shall
 3 itemize uses as listed in section 26-104.6.

4 (2) The commission may adopt and enforce rules
 5 governing recreational uses of all public fishing
 6 reservoirs, and public lakes, rivers, and streams
 7 ~~constructed--by--the--commission~~ or on reservoirs and lakes
 8 which it operates under agreement with or in conjunction
 9 with a federal or state agency or private owner. These rules
 10 shall be adopted in the interest of public health, public
 11 safety, and protection of property in regulating swimming,
 12 hunting, fishing, trapping, boating, including but not
 13 limited to boating speed regulations, the operation of
 14 motor-driven boats, water skiing, surfboarding, picnicking,
 15 camping, sanitation, and use of firearms on the reservoirs,
 16 lakes, rivers, and streams or at designated areas along the
 17 shore of the reservoirs, lakes, rivers, and streams. These
 18 rules are subject to review and approval by the department
 19 of health and environmental sciences as to public health and
 20 sanitation before becoming effective. Copies of the rules
 21 shall show that endorsement."

22 Section 2. This act is effective on its passage and
 23 approval.

-End-

Approved by Committee
on Natural Resources

HOUSE BILL NO. 579

INTRODUCED BY LUEBECK, SHELDEN, HUENNEKENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 26-104.9, R.C.M. 1947, TO CLARIFY THE COMMISSION'S POWER TO REGULATE THE USE OF LANDS BY ADDING LAKES, RIVERS, AND STREAMS AND THE OPERATION OF MOTORBOATS TO ITS JURISDICTION; AND PROVIDING AN EFFECTIVE DATE."

~~WHEREAS, in 1973 the laws relating to the department of fish and game were codified and generally revised in chapter 517-- laws of 1973;-- However,-- certain amendments made in chapter 279, laws of 1971 were not incorporated into the codification of 26-104.9;-- Therefore the purpose of this act is merely to clarify the law, and does not amend it in substance;~~

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

Section 1. Section 26-104.9, R.C.M. 1947, is amended to read as follows:

"26-104.9. Regulation of use of lands. (1) The commission may adopt and enforce rules governing uses of lands acquired or held under easement by the commission, or lands which it operates under agreement with or in conjunction with a federal or state agency or private owner. The rules shall be adopted in the interest of public health,

public safety, and protection of property in regulating the use of these lands. All lease and easement agreements shall itemize uses as listed in section 26-104.6.

(2) The commission may adopt and enforce rules governing recreational uses of all public fishing reservoirs, and public lakes, rivers, and streams constructed--by--the--commission or on reservoirs and lakes which it operates under agreement with or in conjunction with a federal or state agency or private owner. These rules shall be adopted in the interest of public health, public safety, and protection of property in regulating swimming, hunting, fishing, trapping, boating, including but not limited to boating speed regulations, the operation of motor-driven boats, water skiing, surfboarding, picnicking, camping, sanitation, and use of firearms on the reservoirs, lakes, rivers, and streams or at designated areas along the shore of the reservoirs, lakes, rivers, and streams. These rules are subject to review and approval by the department of health and environmental sciences as to public health and sanitation before becoming effective. Copies of the rules shall show that endorsement."

Section 2. This act is effective on its passage and approval.

-End-

HOUSE BILL NO. 579

INTRODUCED BY LUEBECK, SHELDEN, HUENNEKENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 26-104.9, R.C.M. 1947, TO CLARIFY THE COMMISSION'S POWER TO REGULATE THE USE OF LANDS BY ADDING LAKES, RIVERS, AND STREAMS AND THE OPERATION OF MOTORBOATS TO ITS JURISDICTION; AND PROVIDING AN EFFECTIVE DATE."

~~WHEREAS, in 1973 the laws relating to the department of fish and game were codified and generally revised in chapter 5117, laws of 1973. However, certain amendments made in chapter 2797, laws of 1971 were not incorporated into the codification of 26-104.9. Therefore the purpose of this act is merely to clarify the law, and does not amend it in substance.~~

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

Section 1. Section 26-104.9, R.C.M. 1947, is amended to read as follows:

"26-104.9. Regulation of use of lands. (1) The commission may adopt and enforce rules governing uses of lands acquired or held under easement by the commission, or lands which it operates under agreement with or in conjunction with a federal or state agency or private owner. The rules shall be adopted in the interest of public health,

public safety, and protection of property in regulating the use of these lands. All lease and easement agreements shall itemize uses as listed in section 26-104.6.

(2) The commission may adopt and enforce rules governing recreational uses of all public fishing reservoirs, and public lakes, rivers, and streams ~~constructed by the commission~~ or on reservoirs and lakes which it operates under agreement with or in conjunction with a federal or state agency or private owner. These rules shall be adopted in the interest of public health, public safety, and protection of property in regulating swimming, hunting, fishing, trapping, boating, including but not limited to boating speed regulations, the operation of motor-driven boats, water skiing, surfboarding, picnicking, camping, sanitation, and use of firearms on the reservoirs, lakes, rivers, and streams or at designated areas along the shore of the reservoirs, lakes, rivers, and streams. These rules are subject to review and approval by the department of health and environmental sciences as to public health and sanitation before becoming effective. Copies of the rules shall show that endorsement."

Section 2. This act is effective on its passage and approval.

-End-

March 10, 1975

SENATE COMMITTEE ON NATURAL RESOURCES AND FISH AND GAME
AMENDMENTS TO HOUSE BILL NO. 579

That House Bill No. 579, third reading, be amended as follows:

1. Amend page 2, section 1, line 6.

Following: "and streams"

Insert: "which are legally accessible to the public"

March 12, 1975

SENATE COMMITTEE OF THE WHOLE
AMENDMENTS TO HOUSE BILL NO. 579

That House Bill No. 579, third reading, be amended as follows:

1. Amend title, lines 7 and 8.
Strike: "; AND PROVIDING AN EFFECTIVE DATE"
2. Amend page 2, section 1, line 17.
Following: "streams."
Insert: "Areas regulated pursuant to the authority
contained in this section must be areas
which are legally accessible to the public."
3. Amend page 2, section 2, lines 22 and 23.
Strike: Section 2 in its entirety

1 HOUSE BILL NO. 579

2 INTRODUCED BY LUEBECK, SHELDEN, HUENNEKENS

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION
5 26-104.9, R.C.M. 1947, TO CLARIFY THE COMMISSION'S POWER TO
6 REGULATE THE USE OF LANDS BY ADDING LAKES, RIVERS, AND
7 STREAMS AND THE OPERATION OF MOTORBOATS TO ITS JURISDICTION;
8 ~~AND PROVIDING AND EFFECTIVE DATE.~~"

9 ~~WHEREAS, in 1973 the laws relating to the department of~~
10 ~~fish and game were codified and generally revised in chapter~~
11 ~~511, Laws of 1973. However, certain amendments made in~~
12 ~~chapter 279, Laws of 1971 were not incorporated into the~~
13 ~~codification of 26-104.9. Therefore the purpose of this act~~
14 ~~is merely to clarify the law, and does not amend it in~~
15 ~~substance.~~

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:18 Section 1. Section 26-104.9, R.C.M. 1947, is amended
19 to read as follows:

20 "26-104.9. Regulation of use of lands. (1) The
21 commission may adopt and enforce rules governing uses of
22 lands acquired or held under easement by the commission, or
23 lands which it operates under agreement with or in
24 conjunction with a federal or state agency or private owner.
25 The rules shall be adopted in the interest of public health,

1 public safety, and protection of property in regulating the
2 use of these lands. All lease and easement agreements shall
3 itemize uses as listed in section 26-104.6.

4 (2) The commission may adopt and enforce rules
5 governing recreational uses of all public fishing
6 reservoirs, and public lakes, rivers, and streams WHICH ARE
7 LEGALLY ACCESSIBLE TO THE PUBLIC ~~constructed by the~~
8 ~~commission~~ or on reservoirs and lakes which it operates
9 under agreement with or in conjunction with a federal or
10 state agency or private owner. These rules shall be adopted
11 in the interest of public health, public safety, and
12 protection of property in regulating swimming, hunting,
13 fishing, trapping, boating, including but not limited to
14 boating speed regulations, the operation of motor-driven
15 boats, water skiing, surfboarding, picnicking, camping,
16 sanitation, and use of firearms on the reservoirs, lakes,
17 rivers, and streams or at designated areas along the shore
18 of the reservoirs, lakes, rivers, and streams. AREAS
19 REGULATED PURSUANT TO THE AUTHORITY CONTAINED IN THIS
20 SECTION MUST BE AREAS WHICH ARE LEGALLY ACCESSIBLE TO THE
21 PUBLIC. These rules are subject to review and approval by
22 the department of health and environmental sciences as to
23 public health and sanitation before becoming effective.
24 Copies of the rules shall show that endorsement."

25 ~~Section 27. This act is effective on its passage and~~

1 ~~appended~~

2

~~End-~~

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