

H BILL No. 573

INTRODUCED BY *Frederick Vincent Harris* *Member*

Fraser Kelly

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE USE OF NAVIGABLE WATERS IN MONTANA FOR RECREATIONAL PURPOSES; AMENDING SECTIONS 26-337 AND 26-338, R.C.M. 1947, AND REPEALING SECTION 26-336, R.C.M. 1947."

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

Section 1. Section 26-337, R.C.M. 1947, is amended to read as follows:

"26-337. Navigable ~~streams~~ waters. (1) All rivers, and streams, lakes, and other bodies of water which have been meandered and returned as navigable by the surveyors employed by the government of the United States, and all rivers, and streams, lakes, and other bodies of water which are navigable in fact are hereby ~~declared~~ navigable ~~considered to be navigable waters.~~

(2) A portion of a body of water is navigable in fact if it can be used to float a boat, canoe, raft, or other vessel capable of transporting people or goods."

Section 2. Section 26-338, R.C.M. 1947, is amended to read as follows:

"26-338. Navigable ~~and public~~ waters open to fishing and recreation. Navigable ~~rivers, sloughs, or streams~~ waters,

between the lines of ordinary high water thereof, of the state of Montana, and all ~~rivers, sloughs, and streams~~ navigable waters flowing through or located on any public lands of the state, ~~shall hereafter be~~ are public waters for the purpose of ~~angling~~ fishing and recreation, and any rights of title to such ~~streams, navigable waters~~ or the land between the high water flowlines or within the meander lines of ~~navigable streams~~ shall be navigable waters ~~are~~ subject to the right of any person owning ~~an~~ an angler's a fishing license of this state who desires to ~~angle therein~~ fish in such waters or to use the water for access to the banks in order to fish and to the right of any person to use such waters for recreational purposes."

Section 3. Repealer. Section 26-336, R.C.M. 1947, is repealed.

-End-

HB 573

Approved by Committee
on Judiciary

HOUSE BILL NO. 573

INTRODUCED BY HUENNEKENS, VINCENT,
HARRINGTON, MENAHAN, FRATES, MELOY

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AMENDING SECTIONS 26-337 AND 26-338, R.C.M. 1947, AND
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surveyors employed by the government of the United States
and all ~~riversy AND and streamsy-takesy-and-other-bodies--of~~
~~water~~ which are navigable in fact are hereby ~~declared~~
~~navigable considered to be navigable waters.~~

(2) ~~A portion of a body of water is navigable in fact~~
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~~are~~ public waters for the purpose of ~~angting~~ fishing and
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