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INTRODUCED BY Herenelun Vincent Hammy Heminan 1 A BILL FOR AN ACT ENTITY OF . MAN 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." R 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 26-337. R.C.M. 1947. is amended to 10 11 read as follows: 12 "26-337. Navigable streams waters. (1) All rivers, and streams. lakes. and other bodies of water which have been 13 14 meandered and returned as navigable by the surveyors employed by the government of the United Statesy and all 15 16 rivers, and streams, lakes, and other bodies of water which 17 are navigable in fact are hereby---declared---navigable 18 considered to be navigable waters. 19 (2) A portion of a body of water is navigable in fact 20 if it can be used to float a poats cances rafts or other 21 vassel capable of transporting people or goods." 22 Section 2. Section 25-338, R.C.M. 1947, is amended to read as follows: 23 24 *26-338. Navigable and-public waters open to fishing

and recreation. Navigable riversy-sloughs-or-streams waters.

between the lines of ordinary high water thereof, of the state of Montanay and all riversy--sloughs--and--streams navigable waters flowing through or located on any public lands of the statey-shall-hereafter-be are public waters for the purpose of angling fishing and recreation, and any rights of title to such streemsy navigable waters or the land between the high water flowlines or within the meander 8 lines of navigable--streamsy-shall-be navigable waters are subject to the right of any person owning an--angler's a 10 fishing license of this state who desires to anale-therein 11 or-plong-their-banks-to-go-upon-the-same--for--such--purpose 12 fish in such waters or to use the water for access to the 13 banks in order to fish and to the right of any person to use such waters for recreational purposes." 15 Section 3. Repealer. Section 26-336, R.C.M. 1947, is

-End-

repealed.

45th Legislature HB 0573/02 HB 0573/02

Approved by Committee on Judiciary

ì	HOUSE BILL NO. 573
2	INTRODUCED BY HUENNEKENS, VINCENT,
2	HARRINGTON, MENAHAN, FRAJES, MELOY
4	
Þ	A BILL FUR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE USE
6	OF NAVIGABLE WATERS IN MONTANA FOR RECREATIONAL PURPOSES;
7	AMENDING SECTIONS 26-337 AND 26-338, R.C.M. 1947, AND
Б	KEPEALING SECTION 26-336+ R.C.M. 1947.M
4	•
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 26-337, R.C.M. 1947, is amended to
12	read as follows:
13	*26-337. Navigable streems waters SIREAMS. (1) All
14	riversy AND and streams y lakesy and other bodies of water
15	which have been meandered and returned as navigable by the
16	surveyors employed by the government of the United States $oldsymbol{v}$
17	and all riversy AND and streamsy-lakesy-and-other-bodiesof
1 5	<u>water</u> which are navigable in fact are h ereby-declared
19	navidable considered to be navigable waters.
20	(¿) A portion of a body of water is navigable in fact
έl	if it can be used to float a boat; cance; raft; or other
2 Ż	vessel capable of transporting people or goods.*
23	Section 2. Section 26-338, R.C.M. 1947. is amended to
<u> </u>	read as follows:
د خ	#25-33d. Navigable andpublic waters open to fishing

1 and_racreation. Navigable riversy-slouchs-or-streams watersy RIVERS. SLOUGHS. OR STREAMS between the lines of ordinary high water thereof, of the state of Montanay and all riversy 3 stoughs--ond--streams navigable waters flowing through or located-on any public lands of the statev-shall-hereafter-be are public waters for the purpose of angling fishing and 7 recreation, and any rights of title to such streams, d navigable waters or the land between the high water 9 flowlines or within the meander lines of navicable-streams 10 shall-be navigable waters are subject to the right of any 11 person owning an--angler's a fishing license of this state 12 who desires to angle-therein-or-along-their-banks-to-go-upon 13 the-same-for-such-purpose fish in such waters or to use the 14 water for access to the banks in order to fish and to the right of any person to use such waters for recreational 15 purposes." 17 Section 3. Repealer. Section 26-336. R.C.M. 1947. is 18 repealed.

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