

SENATE BILL NO. 214

INTRODUCED BY WELDON, MCCLERNAN, BIANCHI, KLAMPE,
PIPINICH, REAM, TOOLE, HARPER, FOSTER, FAGG,
DOHERTY, WILSON, FRANKLIN, CHRISTIAENS

IN THE SENATE

JANUARY 20, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
FEBRUARY 8, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 9, 1993	PRINTING REPORT.
FEBRUARY 10, 1993	SECOND READING, DO PASS.
FEBRUARY 11, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 40; NOES, 10.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
MARCH 11, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 13, 1993	SECOND READING, CONCURRED IN.
MARCH 16, 1993	THIRD READING, CONCURRED IN. AYES, 96; NOES, 4.
MARCH 17, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 19, 1993	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 20, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Senate* BILL NO. *214* *Pipinich*
 2 INTRODUCED BY *James Weldon* *McAfee* *Bianchi* *Kibbey*
 3 *Ream* *Franklin* *Thompson* *Chapman* *Foster* *Jagg* *Dunlap*
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE
 5 VANDALIZING OF CAVES; PROHIBITING THE DISTURBANCE,
 6 DESTRUCTION, OR REMOVAL OF CAVE MATERIALS, PLANT LIFE, AND
 7 ANIMAL LIFE; PROHIBITING THE SALE OF SPELEOTHEMS AND
 8 SPELEOGENS; GRANTING THE DEPARTMENT OF FISH, WILDLIFE, AND
 9 PARKS AUTHORITY TO ASSIST IN THE MANAGEMENT OF MONTANA'S
 10 CAVE RESOURCES; EXEMPTING A CAVE OWNER AND THE OWNER'S
 11 AUTHORIZED AGENTS FROM CERTAIN LIABILITY CONNECTED WITH USE
 12 OF A CAVE; PROVIDING A PENALTY; AND PROVIDING AN IMMEDIATE
 13 EFFECTIVE DATE."
 14
 15 WHEREAS, caves are uncommon geologic phenomena; and
 16 WHEREAS, minerals deposited in caves may be rare and
 17 occur in unique forms of great beauty that are irreplaceable
 18 if destroyed; and
 19 WHEREAS, archaeological resources of significant
 20 cultural, scientific, and historic value also occur in caves
 21 and are irreplaceable; and
 22 WHEREAS, organisms that live in caves are unusual,
 23 limited in number, and could become threatened and
 24 endangered species in the absence of protection; and
 25 WHEREAS, caves are a natural conduit for ground water

1 flow, are highly subject to pollution, and thus have
 2 far-reaching effects transcending property boundaries.

3 THEREFORE, the Legislature finds it appropriate to
 4 protect these unique natural and cultural cave resources and
 5 provide assistance in the management of Montana's cave
 6 resources.

7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 NEW SECTION. Section 1. Short title. [Sections 1
 10 through 9] may be cited as "The Montana Cave Conservation
 11 Act".

12 NEW SECTION. Section 2. Definitions. As used in
 13 [sections 1 through 9], the following definitions apply:

14 (1) "Cave" means any geologically formed void or cavity
 15 beneath the surface of the earth or within a cliff or ledge,
 16 including but not limited to natural subsurface water and
 17 drainage systems, whether or not a natural entrance is
 18 present. The term does not include a mine, tunnel, aqueduct,
 19 or human-made excavation but does include any structure
 20 commonly known as a cavern, sinkhole, pit, grotto, or rock
 21 shelter.

22 (2) "Cave life" means any life form that occurs in,
 23 uses, visits, or inhabits a cave.

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

(4) "Gate" means a structure or device located to limit or prohibit access or entry to a cave.

(5) "Material" means all or part of any archaeological, cultural, paleontological, biological, or historical item or artifact found in a cave, including but not limited to any petroglyph, pictograph, pottery, basketwork, fossil, human remains, or animal remains.

(6) "Owner" means any person or public or private agency that has the right to possession of a cave.

(7) "Person" means an individual, partnership, firm, association, trust, corporation, or other legal entity.

(8) "Speleogen" means the surrounding natural earth or bedrock in which a cave is formed, including but not limited to clastic sediments, walls, floors, ceiling, and other related structural and geological features.

(9) "Speleothem" means a natural mineral formation or deposit occurring in a cave, including but not limited to formations known as stalagmite, stalactite, helectite, shield, anthodite, gypsum flower and needle, angel's hair, soda straw, drapery, bacon, cave pearl, popcorn, rimstone dam, column, palette, and flowstone. A speleothem is commonly composed of calcite, gypsum, epsomite, aragonite, celestite, or other similar mineral.

NEW SECTION. Section 3. Vandalism of cave unlawful. A person may not purposely or knowingly, without prior written

permission of the owner:

(1) carve, write, mark upon, break, crack, burn, or remove or in any manner destroy, disturb, deface, mar, or harm the surfaces of any cave or material found in a cave, whether attached or broken, including speleothems, speleogens, and sedimentary deposits;

(2) break, force, tamper with, or otherwise disturb a lock, gate, door, or other obstruction designed to control or prevent access to a cave;

(3) remove, deface, or tamper with a sign stating that a cave is posted or citing provisions of [sections 1 through 9]; or

(4) disturb or alter in any way the natural condition of a cave.

NEW SECTION. Section 4. Disturbance of cave life unlawful. A person may not purposely or knowingly remove, kill, harm, or otherwise interfere with cave life, except for health or safety reasons or when the act is a minimal disturbance or for removal of organisms for recognized scientific inquiry. Gates at the entrance or at any point within a cave must be of open construction to allow unimpeded passage of air, insects, bats, and other cave life.

NEW SECTION. Section 5. Pollution of and burning harmful substances in cave unlawful. (1) A person may not

1 purposely or knowingly store, dump, litter, dispose of, or
 2 otherwise place in a cave any refuse, garbage, dead animal,
 3 sewage, or toxic substance harmful to cave life or human
 4 life.

5 (2) A person may not burn in a cave any substance that
 6 produces smoke or gas that is or may be harmful to cave
 7 life. The use of a carbide lamp that produces acetylene gas
 8 is permitted.

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 11 or export for sale any speleothem or speleogen.

12 NEW SECTION. Section 7. Department powers. The
 13 department may:

- 14 (1) employ cave resources management personnel;
- 15 (2) appoint volunteer cave management and
 16 administrative personnel;
- 17 (3) provide cave owners with technical assistance and
 18 management advice;
- 19 (4) enter into volunteer management agreements with
 20 persons, owners, members, and associations of the caving
 21 community;
- 22 (5) initiate a comprehensive inventory of cave
 23 resources;
- 24 (6) issue grants from any appropriated funds in
 25 furtherance of cave resource management; and

1 (7) perform other actions when appropriate and
 2 consistent with the provisions of [sections 1 through 9].

3 NEW SECTION. Section 8. Conditions of owner liability.
 4 The owner of a cave or the owner's authorized agent,
 5 officer, employee, or designated representative acting
 6 within the scope of authority is not liable for injuries or
 7 death sustained by any person using a cave for recreational
 8 or scientific purposes if the prior consent of the owner has
 9 been obtained and a charge has not been made for use of the
 10 cave or if the injury or death occurs while the person is
 11 trespassing on the owner's property.

12 NEW SECTION. Section 9. Penalty. A person convicted of
 13 violating any provision of [sections 1 through 8] is subject
 14 to a fine of not less than \$500 or more than \$2,000,
 15 imprisonment in the county jail for not more than 60 days,
 16 or both.

17 NEW SECTION. Section 10. Effective date. [This act] is
 18 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0214, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act prohibiting the vandalizing of caves; prohibiting the disturbance, destruction or removal of cave materials, plant life and animal life; prohibiting the sale of spelethems and spelogens; granting the department of Fish, Wildlife & Parks authority to assist in the management of Montana's cave resources; exempting a cave owner and the owner's authorized agents from certain liability connected with use of a cave; and providing an immediate effective date.

ASSUMPTIONS:

1. The bill does not require the Department of Fish, Wildlife and Parks (FWP) to play a statewide role in cave resources management. However, citizens of our state who are interested in caves will ask FWP to be active in cave management.
2. There are over 300 caves in Montana and 15-20 caves would be provided with technical assistance in the first year.
3. Once cave owners and interest groups know that FWP is available for assistance, the number of requests for technical assistance will increase.
4. In order to provide technical assistance, FWP would need an additional 1.00 FTE cave resource expert (Grade 14).
5. Enforcement of the provisions of the bill will be done by local law enforcement agencies.
6. The statewide comprehensive inventory of cave resources would be contracted out to the private sector, and will not be undertaken until a future biennium. (The last somewhat similar statewide environmental study contracted out by FWP cost about \$90,000, and it did not include extensive site visits.)


FISCAL IMPACT:Expenditures:

Personal Services Expenditures (Grade 14, 25% benefits)	\$30,368	\$30,368
Operating Expenditures	<u>\$15,000</u>	<u>\$15,000</u>
Total	\$45,368	\$45,368

Revenues: None.

Net Impact: The department would incur an additional \$45,368 in expenditures per year to become active in cave management.

(continued on next page)

 1-25-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 1/27/93
JEFF WELDON, PRIMARY SPONSOR DATE

Fiscal Note for SB0214, as introduced

SB214

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

All of the enforcement duties highlighted in the bill are covered by existing statutes. Local law enforcement agencies are already charged with enforcing these statutes. Therefore, there should be little or no impact.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The bill calls for a comprehensive inventory of Montana's caves. Depending on the level of detail of such an inventory, this could cost between \$100,000 to \$500,000.

An additional FTE Grade 11 will be needed in two years to assist the cave resource expert in record keeping, volunteer coordination, up-keep and maintenance of the inventory data base. Estimated cost: \$23,000 per year.

TECHNICAL NOTES:

The liability protection in section 8 is limited to recreation or scientific purposes. A creative lawyer would find other reasons for a client's visit to the cave. Courts traditionally have read limitations on liability narrowly. Therefore, liability for the state is unknown but would likely increase.

SB 214

STATE OF MONTANA - FISCAL NOTE

Form BD-15

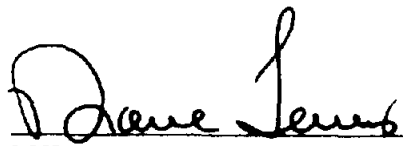
In compliance with a written request, there is hereby submitted a Fiscal Note for SB0214, third reading.

DESCRIPTION OF PROPOSED LEGISLATION: An act prohibiting the vandalizing of caves; prohibiting the disturbance, destruction or removal of cave materials, plant life and animal life; prohibiting the sale of speleothems and speleogens; exempting a cave owner and the owner's authorized agents from certain liability connected with use of a cave; and providing an immediate effective date.

ASSUMPTIONS:

1. The Department of Fish, Wildlife and Parks will no longer be involved in providing assistance in managing caves in Montana.

FISCAL IMPACT: None.

 2-15-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2/16/93
JESSE WELDON, PRIMARY SPONSOR DATE

Fiscal Note for SB0214, third reading

SB 214-#2

APPROVED BY COMM. ON
NATURAL RESOURCES

SENATE BILL NO. 214

INTRODUCED BY WELDON, MCCLERNAN, BIANCHI, KLAMPE,

PIPINICH, REAM, TOOLE, HARPER, FOSTER, FAGG,

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WHEREAS, caves are uncommon geologic phenomena; and

WHEREAS, minerals deposited in caves may be rare and occur in unique forms of great beauty that are irreplaceable if destroyed; and

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WHEREAS, organisms that live in caves are unusual, limited in number, and could become threatened and

endangered species in the absence of protection; and

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THEREFORE, the Legislature finds it appropriate to protect these unique natural and cultural cave resources and ~~provide--assistance--in--the--management--of--Montana's--cave~~ resources.

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~~{3}--"Department"--means---the---department---of---fish,~~
~~wildlife-and-parks-provided-for-in-2-15-340i-~~

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 limit or prohibit access or entry to a cave.

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 archaeological, cultural, paleontological, biological, or
 historical item or artifact found in a cave, including but
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 within a cave must be of open construction to allow
 unimpeded passage of air, insects, bats, and other cave
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- ~~(5) initiate a comprehensive inventory of cave resources;~~

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SECTION 8. SECTION 70-16-301, MCA, IS AMENDED TO READ:
 "70-16-301. Recreational purposes defined. "Recreational purposes", as used herein in this part, shall ~~include~~ includes hunting, fishing, swimming, boating, water skiing, camping, picnicking, pleasure driving, winter sports, hiking, touring or viewing cultural and historical sites and monuments, spelunking, or other pleasure expeditions."

NEW SECTION. Section 9. Penalty. A person convicted of violating any provision of [sections 1 through 8] is subject to a fine of not less than \$500 or more than \$2,000,

SB 0214, 02

1 imprisonment in the county jail for not more than 60 days,
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SB 0214/02

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-End-

HOUSE STANDING COMMITTEE REPORT

March 11, 1993
Page 2 of 2

March 11, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 214 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Dick Knox
Dick Knox, Chair

And, that such amendments read:

Carried by: Rep. Gilbert

1. Title, line 14.
Following: second ","
Insert: "AND"

2. Title, line 15.
Following: "MCA"
Strike: "2" through "DATE"

3. Page 2, lines 12 and 15.
Following: "through"
Insert: "7 and"

4. Page 2, line 21.
Following: "any"
Insert: "natural"
Following: "structure"
Insert: "that is"

5. Page 2, line 23.
Following: "shelter"
Insert: "and that communicates with a subterranean passage or drainage system"

6. Page 4, line 1.
Following: "unlawful."
Strike: "A"
Insert: "(1) Except as provided in subsection (2), a"
Renummer subsequent subsections

7. Page 4, lines 2 and 3.
Following: "knowingly" on line 2
Strike: ", without" through "owner" on line 3

8. Page 4, line 4.
Strike: "(1)"
Insert: "(a)"

9. Page 4, line 9.
Strike: "(2)"
Insert: "(b)"

10. Page 4, line 12.
Strike: "(3)"
Insert: "(c)"

11. Page 4, line 13.
Following: "through"
Insert: "7 and"

12. Page 4, line 15.
Strike: "(4)"
Insert: "(d)"

13. Page 4.
Following: line 16
Insert: "(2) The provisions of subsection (1) do not apply to a cave owner or the owner's authorized agent, officer, employee, or designated representative who undertakes work to improve or control physical access to the cave."

14. Page 6, line 24.
Strike: "8"
Insert: "7"

15. Page 7.
Following: line 2
Insert:

"NEW SECTION. Section 10. Codification instruction. [Sections 1 through 7 and 9] are intended to be codified as an integral part of Title 23, chapter 2, and the provisions of Title 23, chapter 2, apply to [sections 1 through 7 and 9]."

16. Page 7, lines 3 and 4.
Strike: Section 10 in its entirety

Committee Vote:
Yes 16, No ____.

550956SC.Hss

HOUSE

SB 214

550956SC.Hss

SENATE BILL NO. 214

INTRODUCED BY WELDON, MCCLERNAN, BIANCHI, KLAMPE,
PIPINICH, REAM, TOOLE, HARPER, FOSTER, FAGG,
DOHERTY, WILSON, FRANKLIN, CHRISTIAENS

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE
VANDALIZING OF CAVES; PROHIBITING THE DISTURBANCE,
DESTRUCTION, OR REMOVAL OF CAVE MATERIALS, PLANT LIFE, AND
ANIMAL LIFE; PROHIBITING THE SALE OF SPELEOTHEMS AND
SPELEOGENS; ~~GRANTING--THE-DEPARTMENT-OF-FISH-&-WILDLIFE--AND
PARKS-AUTHORITY-TO-ASSIST-IN--THE--MANAGEMENT--OF--MONTANA'S~~
~~CAVE--RESOURCES;~~ EXEMPTING A CAVE OWNER AND THE OWNER'S
AUTHORIZED AGENTS FROM CERTAIN LIABILITY CONNECTED WITH USE
OF A CAVE; PROVIDING A PENALTY; AND AMENDING SECTION
70-16-301, MCA; ~~AND-PROVIDING-AN-IMMEDIATE-EFFECTIVE-DATE."~~

WHEREAS, caves are uncommon geologic phenomena; and

WHEREAS, minerals deposited in caves may be rare and
occur in unique forms of great beauty that are irreplaceable
if destroyed; and

WHEREAS, archaeological resources of significant
cultural, scientific, and historic value also occur in caves
and are irreplaceable; and

WHEREAS, organisms that live in caves are unusual,
limited in number, and could become threatened and

endangered species in the absence of protection; and

WHEREAS, caves are a natural conduit for ground water
flow, are highly subject to pollution, and thus have
far-reaching effects transcending property boundaries.

THEREFORE, the Legislature finds it appropriate to
protect these unique natural and cultural cave resources ~~and~~
~~provide--assistance--in--the--management--of--Montana's-cave~~
~~resources.~~

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

NEW SECTION. **Section 1.** Short title. [Sections 1
through 7 AND 9] may be cited as "The Montana Cave
Conservation Act".

NEW SECTION. **Section 2.** Definitions. As used in
[sections 1 through 7 AND 9], the following definitions
apply:

(1) "Cave" means any geologically formed void or cavity
beneath the surface of the earth or within a cliff or ledge,
including but not limited to natural subsurface water and
drainage systems, whether or not a natural entrance is
present. The term does not include a mine, tunnel, aqueduct,
or human-made excavation but does include any NATURAL
structure THAT IS commonly known as a cavern, sinkhole, pit,
grotto, or rock shelter AND THAT COMMUNICATES WITH A
SUBTERRANEAN PASSAGE OR DRAINAGE SYSTEM.

(2) "Cave life" means any life form that occurs in, uses, visits, or inhabits a cave.

~~{3}--"Department"---means---the---department---of---fish, wildlife, and parks provided for in 2-15-3401;~~

~~{4}{3}~~ "Gate" means a structure or device located to limit or prohibit access or entry to a cave.

~~{5}{4}~~ "Material" means all or part of any archaeological, cultural, paleontological, biological, or historical item or artifact found in a cave, including but not limited to any petroglyph, pictograph, pottery, basketwork, fossil, human remains, or animal remains.

~~{6}{5}~~ "Owner" means any person or public or private agency that has the right to possession of a cave.

~~{7}{6}~~ "Person" means an individual, partnership, firm, association, trust, corporation, or other legal entity.

~~{8}{7}~~ "Speleogen" means the surrounding natural earth or bedrock in which a cave is formed, including but not limited to clastic sediments, walls, floors, ceiling, and other related structural and geological features.

~~{9}{8}~~ "Speleothem" means a natural mineral formation or deposit occurring in a cave, including but not limited to formations known as stalagmite, stalactite, helectite, shield, anthodite, gypsum flower and needle, angel's hair, soda straw, drapery, bacon, cave pearl, popcorn, rimstone dam, column, palette, and flowstone. A speleothem is

commonly composed of calcite, gypsum, epsomite, aragonite, celestite, or other similar mineral.

NEW SECTION. Section 3. Vandalism of cave unlawful. A (1) EXCEPT AS PROVIDED IN SUBSECTION (2), A person may not purposely or knowingly, ~~without prior written permission of the owner:~~

~~{1}{A}~~ carve, write, mark upon, break, crack, burn, or remove or in any manner destroy, disturb, deface, mar, or harm the surfaces of any cave or material found in a cave, whether attached or broken, including speleothems, speleogens, and sedimentary deposits;

~~{2}{B}~~ break, force, tamper with, or otherwise disturb a lock, gate, door, or other obstruction designed to control or prevent access to a cave;

~~{3}{C}~~ remove, deface, or tamper with a sign stating that a cave is posted or citing provisions of [sections 1 through 7 AND 9]; or

~~{4}{D}~~ disturb or alter in any way the natural condition of a cave.

(2) THE PROVISIONS OF SUBSECTION (1) DO NOT APPLY TO A CAVE OWNER OR THE OWNER'S AUTHORIZED AGENT, OFFICER, EMPLOYEE, OR DESIGNATED REPRESENTATIVE WHO UNDERTAKES WORK TO IMPROVE OR CONTROL PHYSICAL ACCESS TO THE CAVE.

NEW SECTION. Section 4. Disturbance of cave life unlawful. A person may not purposely or knowingly remove,

1 kill, harm, or otherwise interfere with cave life, except
 2 for health or safety reasons or when the act is a minimal
 3 disturbance or for removal of organisms for recognized
 4 scientific inquiry. Gates at the entrance or at any point
 5 within a cave must be of open construction to allow
 6 unimpeded passage of air, insects, bats, and other cave
 7 life.

8 NEW SECTION. **Section 5.** Pollution of and burning
 9 harmful substances in cave unlawful. (1) A person may not
 10 purposely or knowingly store, dump, litter, dispose of, or
 11 otherwise place in a cave any refuse, garbage, dead animal,
 12 sewage, or toxic substance harmful to cave life or human
 13 life.

14 (2) A person may not burn in a cave any substance that
 15 produces smoke or gas that is or may be harmful to cave
 16 life. The use of a carbide lamp that produces acetylene gas
 17 is permitted.

18 NEW SECTION. **Section 6.** Sale of speleothems and
 19 speleogens unlawful. A person may not sell, offer for sale,
 20 or export for sale any speleothem or speleogen.

21 NEW SECTION. ~~**Section 7.**~~ ~~Department powers.~~ ~~The~~
 22 ~~department may:~~

23 ~~{1}--employ cave resources management personnel;~~

24 ~~{2}--appoint-----volunteer-----cave-----management-----and~~
 25 ~~administrative personnel;~~

1 ~~{3}--provide cave owners with technical assistance and~~
 2 ~~management advice;~~

3 ~~{4}--enter into volunteer management agreements with~~
 4 ~~persons, owners, members, and associations of the caving~~
 5 ~~community;~~

6 ~~{5}--initiate a comprehensive inventory of cave~~
 7 ~~resources;~~

8 ~~{6}--issue grants from any appropriated funds in~~
 9 ~~furtherance of cave resource management; and~~

10 ~~{7}--perform other actions when appropriate and~~
 11 ~~consistent with the provisions of {sections 1 through 9};~~

12 NEW SECTION. **Section 7.** Conditions of owner liability.
 13 The LIABILITY OF THE owner of a cave or the owner's
 14 authorized agent, officer, employee, or designated
 15 representative acting within the scope of authority is not
 16 ~~liable for injuries or death sustained by any person using a~~
 17 ~~cave for recreational or scientific purposes if the prior~~
 18 ~~consent of the owner has been obtained and a charge has not~~
 19 ~~been made for use of the cave or if the injury or death~~
 20 ~~occurs while the person is trespassing on the owner's~~
 21 ~~property.~~ RESTRICTED PURSUANT TO 70-16-302.

22 SECTION 8. SECTION 70-16-301, MCA, IS AMENDED TO READ:

23 "70-16-301. Recreational purposes defined.
 24 "Recreational purposes", as used herein in this part, shall
 25 ~~include~~ includes hunting, fishing, swimming, boating, water

skiing, camping, picnicking, pleasure driving, winter sports, hiking, touring or viewing cultural and historical sites and monuments, spelunking, or other pleasure expeditions."

NEW SECTION. Section 9. Penalty. A person convicted of violating any provision of [sections 1 through 8 7] is subject to a fine of not less than \$500 or more than \$2,000, imprisonment in the county jail for not more than 60 days, or both.

NEW SECTION. SECTION 10. CODIFICATION INSTRUCTION.
[SECTIONS 1 THROUGH 7 AND 9] ARE INTENDED TO BE CODIFIED AS
AN INTEGRAL PART OF TITLE 23, CHAPTER 2, AND THE PROVISIONS
OF TITLE 23, CHAPTER 2, APPLY TO [SECTIONS 1 THROUGH 7 AND
9].

~~NEW-SECTION---Section-10---Effective-date--{This-act}-is~~
~~effective-on-passage-and-approval-~~

-End-