

1 HOUSE BILL NO. 240

2 INTRODUCED BY J. ETCHART

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO NAVIGABLE
5 RIVERS AND STREAMS; REQUIRING UNIFORMITY AND LABELING OF DIGITAL MAPPING; PROVIDING
6 RESTRICTIONS ON SHOOTING AND HUNTING ON RIVERS AND ISLANDS; REQUIRING THE STATE
7 LIBRARY TO UPDATE AND MARK ITS GLOBAL INFORMATION SYSTEM MAP; AMENDING SECTIONS 23-
8 2-302 AND 90-1-404, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

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12 NEW SECTION. **Section 1. Digital mapping -- requirements.** All persons and entities maintaining
13 digital maps of the state for electronic distribution shall update their maps in accordance with the digital map
14 maintained by the state library by August 1, 2025, and then within 30 days of the annual state library update of
15 the map afterward. Digital maps for electronic distribution must denominate and graphically mark previous
16 historical locations no longer occupied by navigable rivers as: "Private land surface owned by adjacent
17 landowner. Permission required."

18
19 **Section 2.** Section 23-2-302, MCA, is amended to read:

20 **"23-2-302. Recreational use permitted -- limitations -- exceptions.** (1) Except as provided in
21 subsections (2) through (5) (8), all surface waters that are capable of recreational use may be so used by the
22 public without regard to the ownership of the land underlying the waters.

23 (2) The right of the public to make recreational use of surface waters does not include, without
24 permission or contractual arrangement with the landowner:

25 (a) the operation of all-terrain vehicles or other motorized vehicles not primarily designed for
26 operation upon the water;

27 (b) the recreational use of surface waters in a stock pond or other private impoundment fed by an
28 intermittently flowing natural watercourse;

1 (c) the recreational use of waters while diverted away from a natural water body for beneficial use
2 pursuant to Title 85, chapter 2, part 2 or 3, except for impoundments or diverted waters to which the owner has
3 provided public access;

4 (d) big game hunting;

5 (e) overnight camping unless it is necessary for the enjoyment of the surface water and the
6 campsite is not within sight of any occupied dwelling or the campsite is more than 500 yards from any occupied
7 dwelling, whichever is less;

8 (f) the placement or creation of any permanent duck blind, boat moorage, or any other permanent
9 object;

10 (g) the placement or creation of any seasonal object, such as a duck blind or boat moorage,
11 unless necessary for the enjoyment of that particular surface water and unless the seasonal objects are placed
12 out of sight of any occupied dwelling or more than 500 yards from any occupied dwelling, whichever is less;

13 (h) use of a streambed as a right-of-way for any purpose when water is not flowing in the
14 streambed.

15 (3) The right of the public to make recreational use of class II waters does not include, without
16 permission of the landowner:

17 (a) big game hunting;

18 (b) overnight camping;

19 (c) the placement or creation of any seasonal object; or

20 (d) other activities that are not primarily water-related pleasure activities as defined in 23-2-
21 301(10).

22 (4) The right of the public to make recreational use of surface waters does not grant any easement
23 or right to the public to enter onto or cross private property in order to use those waters for recreational
24 purposes.

25 (5) The right of the public to make recreational use of surface waters does not include the right to
26 fire a shotgun or rifle from watercraft on navigable rivers or across navigable rivers from the banks for the
27 purposes of harvesting big game or hunting wildlife other than migratory game birds by means of a shotgun.

28 (6) The right of the public to make recreational use of surface waters does not include the right to

1 use the surface waters for access to islands or former islands owned, or claimed to be owned, by the state to
2 hunt for animals other than waterfowl, except by means of a bow or crossbow, unless otherwise specifically
3 permitted under rules adopted by the commission.

4 ~~(5)(7)~~ The commission shall adopt rules pursuant to 87-1-303, in the interest of public health, public
5 safety, or the protection of public and private property, governing recreational use of class I and class II waters.
6 These rules must include the following:

7 (a) the establishment of procedures by which any person may request an order from the
8 commission:

9 (i) limiting, restricting, or prohibiting the type, incidence, or extent of recreational use of a surface
10 water; or

11 (ii) altering limitations, restrictions, or prohibitions on recreational use of a surface water imposed
12 by the commission;

13 (b) provisions requiring the issuance of written findings and a decision whenever a request is
14 made pursuant to the rules adopted under subsection ~~(5)(a)~~ (7)(a); and

15 (c) a procedure for the identification of streams within class II waters that are not capable of
16 recreational use or are capable of limited recreational use, and a procedure to restrict the recreational use to
17 the actual capacity of the water.

18 ~~(6)(8)~~ The provisions of this section do not affect any rights of the public with respect to state-owned
19 lands that are school trust lands or any rights of lessees of those lands."
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21 **Section 3.** Section 90-1-404, MCA, is amended to read:

22 **"90-1-404. Geospatial information -- management -- duties of state library.** (1) The state library
23 shall:

24 (a) serve as the administrator of the account;

25 (b) work with all stakeholders, including but not limited to federal, state, local, private, and tribal
26 entities, to prioritize needs and collect, develop, maintain, and disseminate geographic information systems,
27 geospatial information, and geospatial technologies;

28 (c) in cooperation with the department of natural resources and conservation, update its statewide

global information system map to reflect the current locations of navigable rivers and to denominate and graphically mark previous historical locations no longer occupied by navigable rivers as: "Private land surface owned by adjacent landowner. Permission required." The update must be done within 30 days of receiving the data from the department of natural resources and conservation. The department of natural resources and conservation shall provide the most recent mapping of the navigable rivers of the state by June 1, 2025, and by January 1 of each following year.

~~(e)~~(d) prepare a geospatial information plan and operate according to the provisions of the plan. The plan:

(i) must be created in consultation with the council;

(ii) may include but is not limited to:

(A) the prioritized needs to collect, maintain, and disseminate geospatial information;

(B) priorities for geospatial coordination; and

(C) priorities for grant awards; and

(iii) must be reviewed and, if appropriate, updated every 3 years.

~~(d)~~(e) establish an application process and a granting process that must be used to distribute funds in the account;

~~(e)~~(f) review all grant applications;

~~(f)~~(g) consider grant recommendations by the council;

~~(g)~~(h) monitor a recipient's use of grant funds to ensure that the use of the funds complies with the purposes of this part;

~~(h)~~(i) coordinate the development of standards for geographic information systems, geospatial information, and geospatial technologies;

~~(i)~~(j) serve as the primary point of contact for national, regional, state, and other GIS coordinating groups for the purpose of channeling issues and projects to the appropriate individual, organization, agency, or other entity;

~~(j)~~(k) provide administrative and staff support to the council, including paying the expenses of the council;

~~(k)~~(l) annually prepare a budget to carry out the state library's responsibilities described in this

1 section; and

2 ~~(h)~~(m) implement the conservation easement information requirements as provided for in 76-6-212.

3 (2) To fulfill the responsibilities described in subsection (1), the state library or any recipient of
4 funds granted pursuant to this part may contract with a public or private entity."

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6 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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