

1 *House* BILL NO. *665*  
 2 INTRODUCED BY *Bardone & Moly Aenneker*  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE OWNERS OF  
 5 LAND BORDERING UPON NAVIGABLE WATERS TO OBTAIN A PERMIT FROM  
 6 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO  
 7 BUILD DOCKS AND WHARVES; AMENDING SECTION 89-601 AND 89-603,  
 8 R.C.M. 1947."  
 9

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

11 Section 1. Section 89-601, R.C.M. 1947, is amended to  
 12 read as follows:

13 "89-601. Who may build wharves and docks--proviso. (1)  
 14 Any person or persons owning land bordering upon any of the  
 15 navigable waters within the state of Montana, ~~are--hereby~~  
 16 ~~granted--a--license-and~~ shall obtain a permit to build docks  
 17 and wharves over, across, and upon the "lands under water"  
 18 belonging to the state of Montana from the department of  
 19 natural resources and conservation; provided, however,--that  
 20 such docks and wharves shall be extended out into such  
 21 navigable water such distance only as may be necessary to  
 22 permit any and all boats, steamboats, and vessels to safely  
 23 land thereat, and discharge and take on its or their cargoes  
 24 and passengers.

25 (2) The department may establish rules and forms for

1 the granting of permits to build docks and wharves."

2 Section 2. Section 89-603, R.C.M. 1947, is amended to  
 3 read as follows:

4 "89-603. Revocation of license. The ~~license permit~~  
 5 granted in section 89-601 to build docks and wharves over  
 6 and upon the lands under the navigable waters of this state  
 7 conveys no title in such lands, and such ~~license permit~~ may  
 8 be revoked by the ~~state-of--Montana~~ department of natural  
 9 resources and conservation at any time."

-End-

*HB 665*

Approved by Committee  
on Natural Resources

HOUSE BILL NO. 665

INTRODUCED BY BARDANOUVE, MELOY, HUENNEKENS

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE OWNERS OF LAND BORDERING UPON NAVIGABLE WATERS TO OBTAIN A PERMIT FROM THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO BUILD DOCKS AND WHARVES; AMENDING SECTIONS 89-601 AND 89-603, R.C.M. 1947; AND REPEALING SECTION 89-605, R.C.M. 1947."

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

Section 1. Section 89-601, R.C.M. 1947, is amended to read as follows:

"89-601. Who may build wharves and docks--proviso. (1) Any person or persons owning land bordering upon any of the navigable waters within the state of Montana, ~~are--hereby granted--a--license--and~~ shall obtain a permit to build docks and wharves over, across, and upon the "lands under water" belonging to the state of Montana from the department of natural resources and conservation; provided, however,--that such docks and wharves shall be extended out into such navigable water such distance only as may be necessary to permit any and all boats, steamboats, and vessels to safely land thereat, and discharge and take on its or their cargoes and passengers.

(2) The department may establish rules and forms for the granting of permits to build docks and wharves."

Section 2. Section 89-603, R.C.M. 1947, is amended to read as follows:

"89-603. Revocation of license. The ~~license~~ permit granted in section 89-601 to build docks and wharves over and upon the lands under the navigable waters of this state conveys no title in such lands, and such ~~license~~ permit may be revoked by the ~~state-of--Montana~~ department of natural resources and conservation at any time."

SECTION 3. SECTION 89-605, R.C.M. 1947, IS REPEALED.

-End-

## 1 HOUSE BILL NO. 665

2 INTRODUCED BY BARDANOUVE, MELOY, HUENNEKENS

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE OWNERS OF  
5 LAND BORDERING UPON NAVIGABLE WATERS TO OBTAIN A PERMIT FROM  
6 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO  
7 BUILD DOCKS AND WHARVES; AMENDING SECTIONS 89-601 AND  
8 89-603, R.C.M. 1947; AND REPEALING SECTION 89-605, R.C.M.  
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18 and wharves over, across, and upon the "lands under water"  
19 belonging to the state of Montana from the department of  
20 natural resources and conservation; provided, however,--that  
21 such docks and wharves shall be extended out into such  
22 navigable water such distance only as may be necessary to  
23 permit any and all boats, steamboats, and vessels to safely  
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6 granted in section 89-601 to build docks and wharves over  
7 and upon the lands under the navigable waters of this state  
8 conveys no title in such lands, and such license permit may  
9 be revoked by the ~~state-of--Montana~~ department of natural  
10 resources and conservation at any time."

11 SECTION 3. SECTION 89-605, R.C.M. 1947, IS REPEALED.

-End-

March 24, 1975

SENATE COMMITTEE ON NATURAL RESOURCES AND FISH AND GAME

AMENDMENTS TO HOUSE BILL NO. 665

That House Bill No. 665, third reading, be amended as follows:

1. Amend page 1, section 1, line 20.  
Following: "conservation"  
Strike: ";"  
Insert: "."
2. Amend page 1, section 1, lines 21 through 25.  
Following: line 20  
Strike: lines 21 through 25 in their entirety
3. Amend page 2, section 1, line 2.  
Following: line 2  
Insert: "(3) The department shall issue a permit if it finds that the proposed dock or wharf would:  
(a) extend into the navigable water the distance only as may be necessary to permit any and all boats, and vessels to safely land and discharge and take on cargoes and passengers;  
(b) be constructed in safe and secure manner;  
(c) not constitute an unreasonable impediment to the navigable capacity of the waters into which it is built;  
(d) comply with the Montana Floodway Management and Regulation Act and any applicable standards, rules, ordinances or other regulations adopted pursuant thereto;  
(e) not constitute an unreasonable impediment to the customary modes of access from the navigable water to other property;  
(f) not have substantial negative impact on the aquatic biota; and  
(g) not create a visual impact that would substantially conflict with natural scenic values as determined by the department after consultation with residents of the area in which the proposed dock or wharf is to be constructed."
4. Amend page 2, section 1, line 2.  
Following: line 2  
Insert: "(4) The department may grant a permit upon those terms and conditions as it deems necessary to insure that the requirements of subsection (3) of this section will be met."

5. Amend page 2, section 2, line 5.  
Following: "Revocation of"  
Strike: "license"  
Insert: "permit"
6. Amend page 2, section 2, line 6.  
Following: "granted"  
Strike: "in"  
Insert: "under"
7. Amend page 2, section 2, line 10.  
Following: "conservation"  
Insert: "if the terms and conditions of the permit are not  
being followed. The department shall require the per-  
mittee to show cause why the permit should not be  
revoked, and, if the permittee fails to show sufficient  
cause, the department may revoke the permit"
8. Amend page 2, section 2, line 10.  
Following: "conservation"  
Strike: "at any time"

AND AS SO AMENDED, BE NOT CONCURRED IN