Introduced: 1/3/83

Referred to Committee on Judiciary: 1/3/83 Hearing: 1/12/83 Report: 02/04/83, Do Pass, As Amended

2nd Reading: 02/07/83 3rd Reading: 02/09/83

Transmitted to House: 2/9/83

Referred to Committee on Judiciary: 02/10/83 Hearing: 3/15/83 Report: 03/15/83, Be Not Concurred In Bill Killed: 03/17/83

15

LC 0159/01

SENATE BILL NO. 23 1 INTRODUCED BY _ HAGER ____ 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE 4 STREAMLINING OF HEARINGS AFTER THE ISSUANCE OF A PRELIMINARY 5 DECREE IN THE GENERAL ADJUDICATION OF WATER RIGHTS; ANENDING 6 7 SECTION 85-2-233. MCA." 8 RE TT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 9 10 Section 1. Section 85-2-233. MCA. is amended to read: 11 #85-2-233. Hearing on preliminary decree. (1) Upon objection to the preliminary decree by the department, a 12 person named in the preliminary decree, or any other person, 13 14 for good cause shown, the department or such person is

16 (2) If a hearing is requested, such request must be 17 filed with the water judge within 90 days after notice of 18 entry of the preliminary decree. The water judge may, for 19 good cause shown, extend this time limit an additional 90 20 days if application for the extension is made within 90 days 21 after notice of entry of the preliminary decree.

entitled to a hearing thereon before the water judge.

22 (3) The request for a hearing shall contain a precise 23 statement of the findings and conclusions in the preliminary 24 decree with which the department or person requesting the 25 hearing disagrees. The request shall specify the paragraphs and pages containing the findings and conclusions to which
 objection is made. The request shall state the specific
 grounds and evidence on which the objections are based.

4 (4) Upon expiration of the time for filing objections 5 and upon timely receipt of a request for a hearing, the 6 water judge shall notify each party named in the preliminary decree that a hearing has been requested. The water judge 7 shall fix a day when all parties who wish to participate in 8 9 future proceedings must eppear or file a statement. The 10 water judge shall then set a date for a hearing. The water 11 judge may conduct individual or consolidated hearings. A The hearing shall be conducted as for other civil actions. 12 13 At the order of the water judges o the hearing may be conducted by the water master, who shall prepare a report of 14 15 the hearing as provided in M.R.Civ.P., Rule 53(e), The water 16 iudge is not required to hold a hearing on the water 17 master*s report.*

-End-

-2-

INTRODUCED BILL

58 23

SB 0023/02

Approved by Committee on Judiciary

1	SENATE BILL ND. 23
2	INTRODUCED BY HAGER, ETCHART, BOYLAN,
3	STIMATZ, THOFT, NEUMAN
4	

5 A BILL FOR AN ACT ENTITLED: MAN ACT PROVIDING FOR THE STREAMLINING OF HEARINGS AFTER THE ISSUANCE OF A PRELIMINARY 6 7 DECREE IN THE GENERAL ADJUDICATION OF WATER RIGHTS; AMENDING 8 SECTION 85-2-233, MCA."

9

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

11 Section 1. Section 85-2-233, MCA, is amended to read: 12 "85-2-233. Hearing on preliminary decree. (1) Upon 13 objection to the preliminary decree by the department, a 14 person named in the preliminary decree, or any other person, 15 for good cause shown, the department or such person is 16 entitled to a hearing thereon before-the-water-judge BEFORE 17 IHE_WATER COURT.

18 (2) If a hearing is requested, such request must be 19 filed with the water judge within 90 days after notice of 20 entry of the preliminary decree. The water judge may. for 21 good cause shown, extend this time limit an additional 90 22 days if application for the extension is made within 90 days 23 after notice of entry of the preliminary decree.

24 (3) The request for a hearing shall contain a precise 25 statement of the findings and conclusions in the preliminary

decree with which the department or person requesting the 1 2 hearing disagrees. The request shall specify the paragraphs 3 and pages containing the findings and conclusions to which objection is made. The request shall state the specific 4 5 grounds and evidence on which the objections are based.

6 (4) Upon expiration of the time for filing objections and upon timely receipt of a request for a hearing, the 7 8 water judge shall notify each party named in the preliminary 9 decree that a hearing has been requested. The water judge 10 shall fix a day when all parties who wish to participate in future proceedings must appear-or file a statement. The 11 water judge shall then set a date for a hearing. The water 12 judge may conduct individual or consolidated hearings. A 13 Ibe hearing shall be conducted as for other civil actions. 14 15 At the order of the water judge<u>e</u> a <u>the</u> hearing may be conducted by the water master, who shall prepare a report of 16 17 the hearing as provided in M.R.Civ.P.+ Rule 53(e). The water 18 judge_is_oot__required_to_bold_a_bearing_on_the_water 19

master's_report.*

-End-

-2-SB 23 SECOND READING 1

2/5 SB 0023/02

2 INTRODUCED BY HAGER+ ETCHART+ BOYLAN+ STIMATZ, THOFT, NEUMAN 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE 5 6 STREAMLINING OF HEARINGS AFTER THE ISSUANCE OF A PRELIMINARY 7 DECREE IN THE GENERAL ADJUDICATION OF WATER RIGHTS; AMENDING 8 SECTION 85-2-233. MCA." 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 11 Section 1. Section 85-2-233, MCA, is amended to read:

SENATE BILL NO. 23

12 "85-2-233. Hearing on preliminary decree. (1) Upon 13 objection to the preliminary decree by the department, a 14 person named in the preliminary decree, or any other person, 15 for good cause shown, the department or such person is 16 entitled to a hearing thereon before-the-water-judge <u>BEEOBE</u> 17 IHE_WAIER COURT.

18 (2) If a hearing is requested, such request must be
19 filed with the water judge within 90 days after notice of
20 entry of the preliminary decree. The water judge may, for
21 good cause shown, extend this time limit an additional 90
22 days if application for the extension is made within 90 days
23 after notice of entry of the preliminary decree.

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-End-