

HOUSE BILL NO. 594

INTRODUCED BY COBB

IN THE HOUSE

January 31, 1985	Introduced and referred to Committee on Judiciary.
February 15, 1985	Committee recommend bill do pass as amended. Report adopted.
February 16, 1985	Bill printed and placed on members' desks.
February 18, 1985	Second reading, do pass.
February 19, 1985	Considered correctly engrossed.
February 20, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 22, 1985	Introduced and referred to Committee on Judiciary.
March 23, 1985	Committee recommend bill be concurred in. Report adopted.
March 27, 1985	Second reading, concurred in.
March 29, 1985	Third reading, concurred in. Ayes, 49; Noes, 0. Returned to House.

IN THE HOUSE

March 29, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

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2 INTRODUCED BY Cobb

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING NOTICE OF  
5 ENTRY ONTO LAND BY APPROPRIATE STATE AND LOCAL PERSONNEL FOR  
6 CERTAIN FLOODPLAIN AND FLOODWAY MANAGEMENT PURPOSES;  
7 REQUIRING RELEASE UPON REQUEST OF NAMES AND ADDRESSES OF ALL  
8 PERSONS OR ANY POLITICAL SUBDIVISION REQUESTING  
9 INVESTIGATION OF A NATURAL OR ARTIFICIAL OBSTRUCTION OR  
10 NONCONFORMING USE; AMENDING SECTION 76-5-105, MCA."

11  
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 76-5-105, MCA, is amended to read:  
14 "76-5-105. Authority to enter and investigate lands or  
15 waters. (1) The department or the responsible political  
16 subdivision may make reasonable entry upon any lands and  
17 waters in the state for the purpose of making an  
18 investigation, survey, removal, or repair contemplated by  
19 parts 1 through 4 of this chapter. Unless written consent is  
20 obtained, however, the department shall provide written  
21 notice of its entry by personal delivery to the owner,  
22 owner's agent, lessee, or lessee's agent whose lands will be  
23 entered. If none of these persons can be found, the  
24 department shall affix a copy of the notice to one or more  
25 conspicuous places on the property.

1 (2) An investigation of a natural or artificial  
2 obstruction or nonconforming use shall be made by the  
3 department either on its own initiative, on the written  
4 request of three titleholders of land abutting the  
5 watercourse or drainway involved, or on the written request  
6 of a political subdivision. Upon the request of an owner,  
7 owner's agent, lessee, or lessee's agent whose lands will be  
8 entered to undertake the investigation, the department shall  
9 release the names and addresses of the persons or political  
10 subdivision requesting the investigation."

11 NEW SECTION. Section 2. Extension of authority. Any  
12 existing authority of the board of natural resources and  
13 conservation to make rules on the subject of the provisions  
14 of this act is extended to the provisions of this act.

-End-



APPROVED BY COMMITTEE  
ON JUDICIARY

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