

SENATE BILL NO. 112

1/15 Introduced  
1/15 Referred to Natural Resources  
1/21 Hearing  
1/31 Committee Report-Bill Pass As Amended  
2/02 2nd Reading Pass  
2/05 3rd Reading Pass

Transmitted to House

2/27 Referred to Natural Resources  
3/22 Hearing  
3/25 Committee Report-Bill Concurred  
3/26 Rereferred to Natural Resources  
Died in Committee

1 Senate BILL NO. 112  
 2 INTRODUCED BY Stacy  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT THE  
 5 NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975 IS  
 6 APPLICABLE TO THE FEDERAL GOVERNMENT AND ITS ENTITIES;  
 7 AMENDING SECTION 75-7-103, MCA."  
 8  
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 10 NEW SECTION. Section 1. Applicability to federal  
 11 government. This part applies, to the fullest extent allowed  
 12 by federal law, to the federal government and its agencies.  
 13 Section 2. Section 75-7-103, MCA, is amended to read:  
 14 "75-7-103. Definitions. As used in this part, the  
 15 following definitions apply:  
 16 (1) "Applicant" means any person presenting notice of  
 17 a project to the supervisors.  
 18 (2) "Department" means the Montana department of fish,  
 19 wildlife, and parks.  
 20 (3) "District" means a conservation district under  
 21 Title 76, chapter 15, in which the project will take place;  
 22 a grass conservation district under Title 76, chapter 16,  
 23 where no conservation district exists, or the board of  
 24 county commissioners where a district does not exist.  
 25 (4) "Person" means any natural person, corporation,

1 firm, partnership, association, or other legal entity not  
 2 covered under 87-5-502. Person includes the federal  
 3 government or any of its agencies.  
 4 (5) "Project" means a physical alteration or  
 5 modification of a stream in the state of Montana which  
 6 results in a change in the state of the stream in  
 7 contravention of 75-7-102.  
 8 (6) "Stream" means any natural perennial-flowing  
 9 stream or river, its bed and immediate banks.  
 10 (7) "Supervisors" means the board of supervisors of a  
 11 conservation district, the directors of a grass conservation  
 12 district, or the board of county commissioners where a  
 13 proposed project is not within a district.  
 14 (8) "Team" means one representative of the  
 15 supervisors, one representative of the department, and the  
 16 applicant or his representative."  
 17 NEW SECTION. Section 3. Codification instruction.  
 18 Section 1 is intended to be codified as an integral part of  
 19 Title 75, chapter 7, part 1.

-End-

INTRODUCED BILL  
 SB 112

-2-

APPROVED BY COMM. ON  
NATURAL RESOURCES

1 SENATE BILL NO. 112

2 INTRODUCED BY STORY

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THAT THE  
5 NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975 IS  
6 APPLICABLE TO CERTAIN ENTITIES OF THE FEDERAL GOVERNMENT AND  
7 FPS-ENTITIES; AND AUTHORIZING AGREEMENTS TO PROVIDE FOR  
8 NOTICE TO CONSERVATION DISTRICTS OF FEDERALLY APPROVED  
9 PROJECTS WITHIN DISTRICTS; AMENDING SECTION 75-7-103, MCA."

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

12 NEW SECTION. Section 1. Applicability to federal  
13 government. This EXCEPT AS PROVIDED IN 75-7-103(4), THIS  
14 part applies, to the fullest extent allowed by federal law,  
15 to the federal government and its agencies.

16 Section 2. Section 75-7-103, MCA, is amended to read:

17 "75-7-103. Definitions. As used in this part, the  
18 following definitions apply:

19 (1) "Applicant" means any person presenting notice of  
20 a project to the supervisors.

21 (2) "Department" means the Montana department of fish,  
22 wildlife, and parks.

23 (3) "District" means a conservation district under  
24 Title 76, chapter 15, in which the project will take place;  
25 a grass conservation district under Title 76, chapter 16,

1 where no conservation district exists, or the board of  
2 county commissioners where a district does not exist.

3 (4) "Person" means any natural person, corporation,  
4 firm, partnership, association, or other legal entity not  
5 covered under 87-5-502. Person includes the federal  
6 government or any of its agencies ENGAGING IN A PROJECT ON A  
7 STREAM WHOSE NATURAL FLOW IS LESS THAN 5 CUBIC FEET PER  
8 SECOND.

9 (5) "Project" means a physical alteration or  
10 modification of a stream in the state of Montana which  
11 results in a change in the state of the stream in  
12 contravention of 75-7-102.

13 (6) "Stream" means any natural perennial-flowing  
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17 district, or the board of county commissioners where a  
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19 (8) "Team" means one representative of the  
20 supervisors, one representative of the department, and the  
21 applicant or his representative."

22 THERE IS A NEW MCA SECTION THAT READS:

23 NEW SECTION. Section 3. Department authorized to make  
24 agreements. The department may enter into agreements with  
25 the United States army corps of engineers providing for

1 notification to the district of each permit applied for or  
2 granted pursuant to 33 U.S.C. 403 or 1334. The department  
3 may also enter into agreements with the United States army  
4 corps of engineers or any other federal agency providing for  
5 notification to the district of projects undertaken by that  
6 agency within the district that affect rivers or streams or  
7 land immediately adjacent to them, whether or not the  
8 project requires a permit pursuant to 33 U.S.C. 403 or 1334.  
9 If the project is located outside a district, the agreements  
10 may provide notification to the county where the project is  
11 located.

12 NEW SECTION. Section 4. Codification instruction.  
13 ~~Section 4 is~~ SECTIONS 1 AND 3 ARE intended to be codified as  
14 an integral part of Title 75, chapter 7, part 1.

-End-

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