64th Legislature

1	SENATE JOINT RESOLUTION NO. 5
2	INTRODUCED BY C. VINCENT
3	BY REQUEST OF THE WATER POLICY COMMITTEE
4	
5	A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF
6	MONTANA REQUESTING AN INTERIM STUDY TO EXAMINE MONTANA'S LEGAL PROCESSES FOR
7	WATER RIGHTS; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE
8	65TH LEGISLATURE.
9	
10	WHEREAS, Article IX, section 3(3), of the Montana Constitution declares that "all surface, underground,
11	flood, and atmospheric waters within the boundaries of the state are the property of the state for the use of its
12	people and are subject to appropriation for beneficial uses as provided by law"; and
13	WHEREAS, Article IX, section 3(4), of the Montana Constitution declares that "the legislature shall
14	provide for the administration, control, and regulation of water rights"; and
15	WHEREAS, the Department of Natural Resources and Conservation, the Montana Water Court, and state
16	district courts each endeavor to meet the standards contained in the Montana Constitution through various legal
17	processes; and
18	WHEREAS, the Legislature must ensure that the legal processes for water rights remain relevant,
19	professional, fair, effective, and efficient in the future.
20	
21	NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
22	STATE OF MONTANA:
23	That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
24	section 5-5-217, MCA, or direct sufficient staff resources to examine the legal processes related to water rights
25	administration, examine changing the role of the Water Court to that of a district court, and suggest improvements
26	for the future.
27	BE IT FURTHER RESOLVED, that the study consider:
28	(1) reports and analyses of Montana's legal processes related to water rights;
29	(2) input from all agencies and courts involved in Montana's legal processes related to water rights; and
30	(3) legal processes related to water rights in other states.
	Legislative Services -1 - Authorized Print Version - SJ 5 Division

64th Legislature

1	BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
2	presented to and reviewed by an appropriate committee designated by the Legislative Council.
3	BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
4	requirements, be concluded prior to September 15, 2016.
5	BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
6	comments, or recommendations of the appropriate committee, be reported to the 65th Legislature.

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