1	SENATE BILL NO. 168		
2	INTRODUCED BY G. HERTZ, K. SEEKINS-CROWE, C. SPRUNGER		
3			
4	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS REGARDING LAKESHORE PROTECTION;		
5	PROVIDING A STATUTE OF LIMITATIONS FOR ACTIONS AGAINST PROPERTY OWNERS OR		
6	CONTRACTORS FOR VIOLATING LAKESHORE REGULATIONS; PROVIDING EXEMPTIONS FROM		
7	FUTURE PERMITTING FOR ONGOING MAINTENANCE, REMODELING, OR MINOR MODIFICATIONS; A		
8	PROVIDING AN IMMEDIATE EFFECTIVE DATE."		
9			
10	WHEREAS, Article II, section 3, of the Montana Constitution creates a fundamental right to acquire,		
11	possess, and protect private property; and		
12	WHEREAS, a local governing body or the state has had ample opportunity to initiate an enforcement		
13	action if the governing body or the state believes the lakeshore or aquatic life is being threatened by historical		
14	structures located within the lakeshore protection zone area.		
15			
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
17			
18	NEW SECTION. Section 1. Lakeshore protection zone statute of limitations exemptions from		
19	future permitting. (1) (a) As applied to any clearly visible boat ramp, boat house, boat shore station, boat rail		
20	system, dock system, pier, wharf, retaining wall, road, or other structure located within the lakeshore protection		
21	zone, the period prescribed for the commencement of an action against a property owner or the property		
22	owner's contractor for a violation of lakeshore regulations adopted pursuant to 75-7-207 is within 23 years of		
23	completion of construction or issuance of the permit, whichever occurs later.		
24	(b) The limitation set forth in subsection (1)(a) does not apply to an item that was constructed		
25	illegally and that:		
26	(i) causes documented, material harm to lakeshore stability, water quality, or aquatic life;		
27	(ii) materially interferes with navigation or other lawful recreation activities; or		
28	(iii) creates a documented public nuisance.		



1	(2)	(a) Minor ongoing maintenance, minor remodeling, or minor modifications to the items		
2	described in su	bsection (1)(a) are exempt from lakeshore protection review unless the activity involves		
3	significant exc	vation, dredging, in-fill of material, diminishment of aquatic life, or interference with navigati	ion or	
4	lawful recreation activities.			
5	(b)	For the purposes of subsection (2)(a), "minor" means a change to an item described in		
6	subsection (1)	a) that is less than \$10,000 over a 5-year period, exclusive of personal services provided by	y the	
7	property owne	or another individual at no cost to the property owner.		
8	(3)	This section may not be construed to prevent the local governing body or state from		
9	compensating	a property owner to remove or alter any of the items described in subsection (1)(a) if the		
10	governing bod	or state believes it is in the best interests of lakeshore protection and aquatic life.		
11				
12	NEW S	ECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as a	ın	
13	integral part of	Title 75, chapter 7, part 2, and the provisions of Title 75, chapter 7, part 2, apply to [section	1].	
14				
15	NEW S	ECTION. Section 3. Effective date. [This act] is effective on passage and approval.		
16		- END -		

