

SENATE BILL NO. 347

INTRODUCED BY GALT, TURNAGE, BOYLAN, ROTH

IN THE SENATE

February 2, 1981	Introduced and referred to Committee on Agriculture, Livestock, and Irrigation. Fiscal note requested.
February 6, 1981	Fiscal note returned.
February 12, 1981	Committee recommend bill do pass as amended. Report adopted.
February 13, 1981	Bill printed and placed on members' desks.
February 14, 1981	Second reading, do pass.
February 16, 1981	Correctly engrossed.
February 17, 1981	Third reading, passed. Ayes, 48; Noes, 2. Transmitted to House.

IN THE HOUSE

February 18, 1981	Introduced and referred to Committee on Water.
March 24, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in as amended. Ayes, 99; Noes, 0.

IN THE SENATE

April 1, 1981

Returned from House with amendments.

April 10, 1981

Second reading, amendments concurred in.

April 11, 1981

Third reading, amendments concurred in. Ayes, 46; Noes, 2. Sent to enrolling.

Reported correctly enrolled.

1 ~~SENATE~~ BILL NO. 347
2 INTRODUCED BY Bill Ternage Boyle Roth

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO CREATE THE OFFICE OF
5 CHIEF WATER JUDGE; TO PROVIDE FOR THE APPOINTMENT,
6 RESPONSIBILITIES, JURISDICTION, AND ADMINISTRATIVE
7 REQUIREMENTS OF THE CHIEF WATER JUDGE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Appointment of chief water judge -- term of
11 office. (1) The chief justice of the Montana supreme court
12 shall appoint a chief water judge from among the district
13 judges serving or retired as of the time of appointment.

14 (2) The term of office of the chief water judge is
15 from the date of initial appointment until June 30, 1985.
16 After June 30, 1985, the term of office is 4 years, subject
17 to continuation of the water divisions by the legislature.

18 Section 2. Salary -- office space. (1) The chief water
19 judge is entitled to receive the same salary and expense
20 allowance as provided for district judges in 3-5-211.

21 (2) The office of the chief water judge shall be at
22 the location that the chief justice of the Montana supreme
23 court shall designate. The Montana supreme court shall
24 provide in its budget for the salary, expenses, and office
25 and staff requirements of the chief water judge, which money

1 may be appropriated by the legislature from the water rights
2 adjudication account.

3 Section 3. Duties of the chief water judge. The chief
4 water judge shall:

5 (1) supervise the activities of the department of
6 natural resources and conservation in compiling information
7 submitted on water claim forms under Title 85, chapter 2,
8 part 2, to assure that the information is expeditiously and
9 properly compiled and transferred to the water judge in each
10 water division.

11 (2) assure that the water judge in each water division
12 moves without unreasonable delay to enter the required
13 preliminary decree; and

14 (3) assure that any contested or conflicting claims
15 are tried and adjudicated as expeditiously as possible.

16 Section 4. Jurisdiction of chief water judge. (1) The
17 chief water judge may, at the discretion of the chief
18 justice of the Montana supreme court, also serve as water
19 judge for one of the water divisions.

20 (2) The chief water judge has jurisdiction over all
21 matters relating to the determination of existing water
22 rights within the boundaries of the state of Montana.

23 (3) With regard to the determination of existing water
24 rights, the chief water judge has the same powers as a
25 district judge. He may issue such orders, on the motion of

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INTRODUCED BILL
SB 347

1 an interested party or on his own motion, as may reasonably
2 be required to allow him to fulfill his responsibilities.

3 Section 5. Initial appointment. The chief justice of
4 the Montana supreme court shall make the initial appointment
5 of a chief water judge on or before December 31, 1982.

-End-

STATE OF MONTANA

REQUEST NO. 288-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 3, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 347 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

Senate Bill 347 is an act to create the office of Chief Water Judge and to provide for the appointment, responsibilities, jurisdiction and administrative requirements associated with the Chief Water Judge.

Assumptions:

1. The Chief Water Judge will be a retired district judge.
2. The Chief Water Judge would serve as a water judge for one of the four established water divisions.

Fiscal Impact:

	<u>FY 82</u>	<u>FY 83</u>	<u>Total biennium</u>
Expenditures under proposed law--			
Personal services	\$202,843	\$305,162	\$508,005
Operating expenses	74,500	79,650	154,150
Equipment	<u>51,000</u>	<u>17,000</u>	<u>68,000</u>
Total expenditures under proposed law	<u>\$328,343</u>	<u>\$401,812</u>	<u>\$730,155</u>
Less: Expenditures under current law			
Personal services	\$156,043	\$258,362	\$414,405
Operating expenses	70,500	74,400	144,900
Equipment	<u>51,000</u>	<u>17,000</u>	<u>68,000</u>
	<u>\$277,543</u>	<u>\$349,762</u>	<u>\$627,305</u>
Increased expenditures under proposed law	<u>\$ 50,800</u>	<u>\$ 52,050</u>	<u>\$102,850</u>

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-6-81

STATE OF MONTANA

REQUEST NO. 288-81

FISCAL NOTE

Form RD-15

In compliance with a written request received March 19, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 347 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

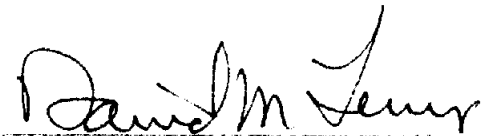
Senate Bill 347 is an act to create the Office of Chief Water Judge and to provide for the appointment, responsibilities, jurisdiction, and administrative requirements associated with the Chief Water Judge.

Assumptions

1. The Chief Water Judge will be a retired district judge.
2. The Chief Water Judge would serve as a water judge for one of the four established water districts.

Fiscal Impact

	<u>FY 1982</u>	<u>FY 1983</u>	<u>Total Biennium</u>
Expenditures Under Proposed Law			
Personal Services	\$177,843	\$280,162	\$483,005
Operating Expenses	74,500	79,560	154,150
Equipment	41,000	17,000	68,000
Total Expenditures Under Proposed Law	\$303,343	\$376,812	\$680,155
Less: Expenditures Under Current Law			
Personal Services	\$156,043	\$258,362	\$414,405
Operating Expenses	70,500	74,400	144,900
Equipment	51,000	17,000	68,000
Total Expenditures Under Current Law	\$277,543	\$349,762	\$627,305
Increased expenditures under proposed law	<u>\$ 25,800</u>	<u>\$ 27,050</u>	<u>\$ 52,850</u>



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-20-81

Approved by Committee
on Agriculture Livestock
& Irrigation

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7 REQUIREMENTS OF THE CHIEF WATER JUDGE."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 Section 1. Appointment of chief water judge -- term of
11 office. (1) The chief justice of the Montana supreme court
12 shall appoint a chief water judge from among the district
13 judges serving or retired as of the time of appointment.
14 (2) The term of office of the chief water judge is
15 from the date of initial appointment until June 30, 1985.
16 After June 30, 1985, the term of office is 4 years, subject
17 to continuation of the water divisions by the legislature.
18 Section 2. Salary -- office space. (1) The chief water
19 judge is entitled to receive the same salary and expense
20 allowance as provided for district judges in 3-5-211.
21 (2) The office of the chief water judge shall be at
22 the location that the chief justice of the Montana supreme
23 court shall designate. The Montana supreme court shall
24 provide in its budget for the salary, expenses, and office
25 and staff requirements of the chief water judge, which money

1 may be appropriated by the legislature from the water rights
2 adjudication account.

3 Section 3. Duties of the chief water judge. The chief
4 water judge shall:

5 (1) ~~supervise the activities of~~ COORDINATE WITH the
6 department of natural resources and conservation in
7 compiling information submitted on water claim forms under
8 Title 35, chapter 2, part 2, to assure that the information
9 is expeditiously and properly compiled and transferred to
10 the water judge in each water division.

11 (2) assure that the water judge in each water division
12 moves without unreasonable delay to enter the required
13 preliminary decree; and

14 (3) assure that any contested or conflicting claims
15 are tried and adjudicated as expeditiously as possible.

16 Section 4. Jurisdiction of chief water judge. (1) The
17 chief water judge may, at the discretion of the chief
18 justice of the Montana supreme court, also serve as water
19 judge for one of the water divisions.

20 (2) The chief water judge has jurisdiction over all
21 matters relating to the determination of existing water
22 rights within the boundaries of the state of Montana.

23 (3) With regard to the determination of existing water
24 rights, the chief water judge has the same powers as a
25 district judge. He may issue such orders, on the motion of

1 an interested party or on his own motion, as may reasonably
2 be required to allow him to fulfill his responsibilities.

3 Section 5. Initial appointment. The chief justice of
4 the Montana supreme court shall make the initial appointment
5 of a chief water judge on or before December 31, 1982.

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4 water judge shall:

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7 compiling information submitted on water claim forms under
8 Title 85, chapter 2, part 2, to assure that the information
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4 the Montana supreme court shall make the initial appointment
5 of a chief water judge on or before ~~December--31--1982~~
6 JANUARY 4, 1983.

-End-

SELECT WATER COMMITTEE
HOUSE AMENDMENTS TO SENATE BILL 347
March 26, 1981

1. Page 3, line 5.
Strike: "December 31, 1982"
Insert: "January 4, 1983"