

HOUSE BILL NO. 711

Introduced: 02/10/83

Referred to Committee on Natural Resources: 02/10/83

Hearing: 2/14/83

Report: 02/22/83, Do Pass, As Amended

Rereferred to Committee on Appropriations: 02/22/83

Hearing: 3/24/83

Died in Committee

1 House BILL NO. 711
2 INTRODUCED BY Harrington
3 BY REQUEST OF THE OFFICE OF
4 BUDGET AND PROGRAM PLANNING
5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
7 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ASSESS
8 AND COLLECT FEES FROM WATER USE--CLAIMANTS TO PAY THE
9 EXPENSES INCURRED BY THE STATE FOR ADMINISTERING CERTAIN
10 WATER LAWS; AMENDING SECTION 85-2-241, MCA; AND PROVIDING AN
11 EFFECTIVE DATE."
12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14 Section 1. Section 85-2-241, MCA, is amended to read:
15 "85-2-241. Water right adjudication account. (1) There
16 is established a water right adjudication account in the
17 earmarked revenue fund of the state treasury. All fees
18 collected under ~~this--section--and 85-2-225, 85-2-232, and~~
19 ~~[section 2]~~ ~~shall~~ must be deposited in the account to pay
20 the expenses incurred by the state for administering this
21 part, part 7, and Title 3, chapter 7.
22 (2) ~~Income and interest from the investment of the~~
23 ~~money in the water right adjudication account must be~~
24 ~~credited to the account."~~
25 NEW SECTION. Section 2. Adjudication fee.

1 Adjudication fees must be assessed to cover the actual
2 expenses of the department, the water divisions, and the
3 water courts incurred in the adjudication of existing water
4 rights under this part. The department shall assess and
5 collect a fee on every statement of claim filed, based upon
6 the actual adjudication cost of the hydrological basin in
7 which the claim lies, together with the projected cost of
8 billing and collection.
9 NEW SECTION. Section 3. Codification instruction.
10 Section 2 is intended to be codified as an integral part of
11 Title 85, chapter 2, part 2, and the provisions of Title 85,
12 chapter 2, part 2, apply to section 2.
13 NEW SECTION. Section 4. Effective date. This act is
14 effective July 1, 1983.

-End-

Approved by Committee
on Natural Resources

HOUSE BILL NO. 711

INTRODUCED BY HARRINGTON

BY REQUEST OF THE OFFICE OF

BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ASSESS AND COLLECT FEES FROM WATER USE CLAIMANTS TO PAY THE EXPENSES INCURRED BY THE STATE FOR ADMINISTERING CERTAIN WATER LAWS; AMENDING SECTION 85-2-241, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 85-2-241, MCA, is amended to read:

"85-2-241. Water right adjudication account. There is established a water right adjudication account in the earmarked revenue fund of the state treasury. All fees collected under this section--and ~~85-2-221, 85-2-232, and [section 2]~~ shall must be deposited in the account to pay the expenses incurred by the state for administering this part, part 7, and Title 3, chapter 7.

~~(2) Income and interest from the investment of the money in the water right adjudication account must be credited to the account."~~

NEW SECTION. Section 2. Adjudication fee.

Adjudication fees must be assessed to cover the actual expenses of the department, the water divisions, and the water courts incurred in the adjudication of existing water rights under this part. The department shall assess and collect a fee on every statement of claim filed, based upon the actual adjudication cost of the hydrological basin in which the claim lies, together with the projected cost of billing and collection. ~~HOWEVER, NO ADDITIONAL FEE MAY BE ASSESSED FOR CLAIMS PRIMARILY FOR THE PURPOSE OF STOCK WATER OR HUMAN CONSUMPTION OR TO CLAIMANTS WITH FEWER THAN 50 INDIVIDUAL CLAIMS. AS USED HEREIN ACTUAL ADJUDICATION COSTS INCLUDE ALL COSTS INCURRED IN THE ADJUDICATION OF EXISTING RIGHTS SINCE MAY 11, 1979, THROUGH COMPLETION OF THE ADJUDICATION PROCESS UNDER THIS CHAPTER.~~

NEW SECTION. Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 85, chapter 2, part 2, and the provisions of Title 85, chapter 2, part 2, apply to section 2.

NEW SECTION. Section 4. Effective date. This act is effective July 1, 1983.

-End-