

HOUSE BILL 462

Introduced by Harper, et al.

1/27	Introduced
1/27	Referred to Natural Resources
1/28	Fiscal Note Requested
2/03	Hearing
2/03	Fiscal Note Received
2/04	Sponsor Fiscal Note Requested
2/06	Fiscal Note Printed
2/08	Committee Report--Bill Passed as Amended
2/11	2nd Reading Passed
2/11	Taken From Engrossing
2/11	Rereferred to Appropriations
3/03	Hearing
3/16	Committee Report--Bill Passed as Amended
3/18	2nd Reading Passed
3/21	3rd Reading Passed

Transmitted to Senate

3/21	Referred to Agriculture, Livestock & Irrig.
3/29	Hearing
	Died in Committee

1 HOUSE BILL NO. 462
2 INTRODUCED BY Harper Wright, Reed
3 Yellowtail Bishop Refe Semmes
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A
5 COMPREHENSIVE STATE DROUGHT MITIGATION PROGRAM; CREATING A
6 DROUGHT POLICY COMMISSION; REQUIRING THE GOVERNOR TO
7 DESIGNATE PRIORITY BASINS AND SPECIFYING THE GOVERNOR'S
8 POWERS IN REGARD TO DROUGHT DISASTER; PROVIDING AN
9 APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12 NEW SECTION. Section 1. State drought mitigation
13 program. The governor shall prepare and implement a state
14 drought mitigation program that:
15 (1) with support from the natural resource information
16 system of the Montana state library and the department of
17 natural resources and conservation, establishes a
18 centralized information system using pertinent state,
19 federal, and private information sources to:
20 (a) inventory water supply and demand;
21 (b) monitor drought conditions;
22 (c) assess the effects of drought on Montana's
23 economy, people, and environment; and
24 (d) develop recommendations for water conservation;
25 (2) provides public notice and sets dates for drought

1 policy commission meetings, the first of which shall occur
2 by March 1 of each year;
3 (3) identifies all technical, economic, and physical
4 resources available to respond to a drought and sets
5 priorities on the use of those resources;
6 (4) promotes drought response planning by water
7 utilities, local governments, industrial water users,
8 domestic water users, and agricultural water users;
9 (5) promotes public education on water conservation
10 and other possible drought responses through use of public
11 service announcements;
12 (6) promotes cooperation among parties affected by
13 drought, including cities, tribes, industries, irrigators,
14 tourism interests, and governmental agencies, to meet the
15 needs of all water users and to provide for fish and
16 wildlife protection and public health needs; and
17 (7) requires dissemination of current information on
18 drought to the public and provides a clearinghouse for
19 specific drought information through use of a free telephone
20 request system and computer bulletin boards.
21 NEW SECTION. Section 2. Drought policy commission.
22 (1) There is a drought policy commission.
23 (2) The commission consists of 17 members, to be
24 appointed by the governor within 30 days after [the
25 effective date of this act] as follows:

- 1 (a) the governor or his representative, who shall
- 2 chair the council;
- 3 (b) one representative of municipalities;
- 4 (c) one representative of industry;
- 5 (d) one representative of agriculture;
- 6 (e) one representative of environmental conservation;
- 7 (f) one representative of the tourism industry;
- 8 (g) one representative of utilities;
- 9 (h) one representative of irrigation interests;
- 10 (i) one representative of recreation;
- 11 (j) one ex officio member who is the director of the
- 12 department of natural resources and conservation or his
- 13 designee;
- 14 (k) one ex officio member who is the director of the
- 15 department of health and environmental sciences or his
- 16 designee;
- 17 (l) one ex officio member who is the commissioner of
- 18 state lands or his designee;
- 19 (m) one ex officio member who is the director of the
- 20 department of fish, wildlife, and parks or his designee;
- 21 (n) one ex officio member who is the director of the
- 22 department of commerce or his designee;
- 23 (o) one ex officio member who is the director of the
- 24 department of agriculture or his designee;
- 25 (p) one ex officio member who is a representative of

- 1 the United States bureau of reclamation; and
- 2 (q) one ex officio member who is a representative of
- 3 the United States forest service.
- 4 (3) Before appointing a member to the commission, the
- 5 governor shall solicit recommendations from persons and
- 6 organizations that represent the interests associated with
- 7 the position to which the member is to be appointed.
- 8 (4) The members serve without pay. Members provided
- 9 for in subsections (2)(b) through (2)(i) are entitled to
- 10 reimbursement for travel, meals, and lodging while engaged
- 11 in commission business, as provided in 2-18-501 through
- 12 2-18-503.
- 13 (5) The members serve at the pleasure of the governor.
- 14 (6) A favorable vote of at least a majority of all
- 15 members of the commission, except ex officio members, is
- 16 required to adopt a resolution, motion, or other decision of
- 17 the commission.
- 18 NEW SECTION. **Section 3.** Drought policy commission --
- 19 duties. (1) The drought policy commission is the primary
- 20 entity for guiding the state drought mitigation effort.
- 21 (2) The drought policy commission shall:
- 22 (a) develop and propose a drought mitigation plan for
- 23 the governor;
- 24 (b) coordinate drought mitigation efforts among state
- 25 agencies, federal agencies, and the private sector;

(c) help provide public education concerning drought and water conservation;

(d) set priorities on the use of state resources for drought mitigation; and

(e) perform other functions that help facilitate a proactive and effective state drought mitigation effort.

(3) The department of natural resources and conservation shall provide administrative and staff support for the commission, and other state agencies shall submit information within their areas of expertise as requested by the commission.

NEW SECTION. Section 4. Priority basins for drought mitigation efforts. (1) The governor, with the advice of the drought policy commission, shall identify priority basins for drought response efforts. The basins must have experienced or be experiencing either chronic water shortages or severe drought impacts.

(2) For each basin identified under subsection (1), the governor shall ensure that:

(a) data on water availability and water use within the basin are compiled and analyzed;

(b) public meetings are held within the basin to discuss water use problems and to explore potentials for cooperative solutions to the problems caused by the drought. To the extent possible, each cooperative solution must be

tied to drought predictors, such as water levels or snowpack readings, for implementation in future drought years.

(3) Persons within a basin may petition the governor for priority basin designation and for implementation of the measures described in subsection (2).

NEW SECTION. Section 5. Drought disaster -- governor's powers. In addition to other powers the governor may have under this chapter, the governor may:

(1) use funds appropriated under 17-7-502 to address drought impacts; and

(2) either on his own initiative or upon petition by affected parties in a basin experiencing water shortages, apply to the district court for appointment of a water commissioner [pursuant to [section 3] of __Bill No. __ [LC 1265]].

NEW SECTION. Section 6. Appropriation. There is appropriated \$15,000 from the water development special revenue account to the department of natural resources and conservation for the biennium ending June 30, 1991, to provide administrative and staff support for the drought policy commission.

NEW SECTION. Section 7. Codification instruction. (1) [Sections 1, 3, 4, and 5] are intended to be codified as an integral part of Title 10, chapter 3, part 1, and the provisions of Title 10, chapter 3, part 1, apply to

LC 0300/01

1 [sections 1, 3, 4, and 5].

2 (2) [Section 2] is intended to be codified as an
3 integral part of Title 2, chapter 15, part 2, and the
4 provisions of Title 2, chapter 15, part 2, apply to [section
5 2].

6 NEW SECTION. **Section 8.** Coordination instruction. The
7 bracketed language in [section 5] is included only if [LC
8 1265] is passed and approved.

9 NEW SECTION. **Section 9.** Effective date. [This act] is
10 effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB462, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB462 would provide for a comprehensive state drought mitigation program, creating a drought policy commission, requiring the Governor to designate priority basins and specifying the Governor's powers in regard to drought disaster, providing an appropriation and an immediate effective date.

ASSUMPTIONS:

1. The \$15,000 biennial appropriation will be required for supplies for commission meetings and for travel reimbursement of the eight representatives.
2. The commission will require a reasonable amount of work from the Department of Natural Resources in developing a surface water supply and demand index for the priority basins. Since this is not included in current level plans, the department would require 1.00 FTE and related operating expenses for this task and for developing and implementing the public education programs on water conservation.
3. The department is seeking federal funds to assist with surface water supply index activities and if this additional support is forthcoming, then the fiscal impact would be reduced by \$13,700 per year.
4. Also, if the amount of support to drought activities were to be similar to those provided during 1988, some of the additional work projected under the fiscal impact may not be required and this could further reduce the fiscal impact.
5. There is no fiscal impact on either the Governor's Office or the Montana State Library.

FISCAL IMPACT:Expenditures:

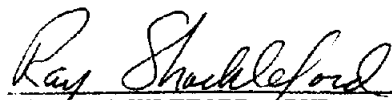
	Current	FY90 Proposed		Current	FY91 Proposed	
	Law	Law	Difference	Law	Law	Difference
DNRC	-0-			-0-		
Personal Services	-0-	\$23,230	\$23,230	-0-	\$23,230	\$23,230
Operating Expenses	-0-	11,700	11,700	-0-	14,000	14,000
Total	-0-	\$34,930	\$34,930	-0-	\$37,230	\$37,230

Funding:

Water Development	-0-	\$ 7,500	\$ 7,500	-0-	\$ 7,500	\$ 7,500
General Fund	-0-	27,430	27,430	-0-	29,730	29,730
Total	-0-	\$34,930	\$34,930	-0-	\$37,230	\$37,230

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Expenditures for future fiscal years will be necessary, though the levels of these expenditures will be unknown until the commission acts to set direction.



2/3/89

RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE

HAL HARPER, PRIMARY SPONSOR

2/04/89

DATE

Fiscal Note for HB462, as introduced

HB 462

APPROVED BY COMM. ON
NATURAL RESOURCES

HOUSE BILL NO. 462

INTRODUCED BY HARPER, MARKS, WEEDING,
YELLOWTAIL, BISHOP, O'KEEFE, SEVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A
COMPREHENSIVE STATE DROUGHT MITIGATION PROGRAM; CREATING A
DROUGHT POLICY COMMISSION; REQUIRING THE GOVERNOR TO
DESIGNATE PRIORITY BASINS AND SPECIFYING THE GOVERNOR'S
POWERS IN REGARD TO DROUGHT DISASTER; PROVIDING AN
APPROPRIATION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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program. The governor shall prepare and implement a state
drought mitigation program that:

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system of the Montana state library and the department of
natural resources and conservation, establishes a
centralized information system using pertinent state,
federal, and private information sources to:

(a) inventory water supply and demand;

(b) monitor drought conditions;

(c) assess the effects of drought on Montana's
economy, people, HEALTH, and environment; and

(d) develop recommendations for water conservation;

(2) provides public notice and sets dates for drought
policy commission meetings, the first of which shall occur
by March 1 of each year;

(3) identifies all technical, economic, and physical
resources available to respond to a drought and sets
priorities on the use of those resources;

(4) promotes drought response planning by water
utilities, local governments, industrial water users,
domestic water users, and agricultural water users;

(5) promotes public education on water conservation
and other possible drought responses through use of public
service announcements;

(6) promotes cooperation among parties affected by
drought, including cities, tribes, industries, irrigators,
tourism interests, and governmental agencies, to meet the
needs of all water users and to provide for fish and
wildlife protection and public health needs; and

(7) requires dissemination of current information on
drought to the public and provides a clearinghouse for
specific drought information through use of a free telephone
request system and computer bulletin boards.

NEW SECTION. **Section 2.** Drought policy commission.

(1) There is a drought policy commission.

(2) The commission consists of ~~17~~ 19 members, to be
appointed by the governor within 30 days after [the

1 effective date of this act] as follows:

2 (a) the governor or his representative, who shall
3 chair the council;

4 (b) one representative of municipalities;

5 (c) one representative of industry;

6 (d) one representative of agriculture;

7 (e) one representative of environmental conservation;

8 (f) one representative of the tourism industry;

9 (g) one representative of HYDROELECTRIC utilities;

10 (h) one representative of irrigation interests;

11 (i) one representative of recreation;

12 (j) one ex officio member who is the director of the
13 department of natural resources and conservation or his
14 designee;

15 (k) one ex officio member who is the director of the
16 department of health and environmental sciences or his
17 designee;

18 (l) one ex officio member who is the commissioner of
19 state lands or his designee;

20 (m) one ex officio member who is the director of the
21 department of fish, wildlife, and parks or his designee;

22 (n) one ex officio member who is the director of the
23 department of commerce or his designee;

24 (o) one ex officio member who is the director of the
25 department of agriculture or his designee;

1 (p) one ex officio member who is a representative of
2 the United States bureau of reclamation; and

3 (q) one ex officio member who is a representative of
4 the United States forest service;

5 (R) ONE EX OFFICIO MEMBER WHO IS A REPRESENTATIVE OF
6 THE UNITED STATES SOIL CONSERVATION SERVICE; AND

7 (S) ONE EX OFFICIO MEMBER WHO IS A REPRESENTATIVE OF A
8 CONSERVATION DISTRICT.

9 (3) Before appointing a member to the commission, the
10 governor shall solicit recommendations from persons and
11 organizations that represent the interests associated with
12 the position to which the member is to be appointed.

13 (4) The members serve without pay. Members provided
14 for in subsections (2)(b) through (2)(i) are entitled to
15 reimbursement for travel, meals, and lodging while engaged
16 in commission business, as provided in 2-18-501 through
17 2-18-503.

18 (5) The members serve at the pleasure of the governor.

19 (6) A favorable vote of at least a majority of all
20 members of the commission, except ex officio members, is
21 required to adopt a resolution, motion, or other decision of
22 the commission.

23 NEW SECTION. Section 3. Drought policy commission --
24 duties. (1) The drought policy commission is the primary
25 entity for guiding the state drought mitigation effort.

(2) The drought policy commission shall:

(a) develop and propose a drought mitigation plan for the governor;

(b) ~~coordinate~~ REVIEW drought mitigation efforts among state agencies, federal agencies, and the private sector;

(c) help provide public education concerning drought and water conservation;

(d) ~~set~~ RECOMMEND priorities on the use of state resources for drought mitigation; and

(e) perform other functions that help facilitate a proactive and effective state drought mitigation effort.

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the basin are compiled and analyzed;

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(3) Persons within a basin may petition the governor for priority basin designation and for implementation of the measures described in subsection (2).

NEW SECTION. Section 5. Drought disaster --
governor's powers. In addition to other powers the governor may have under this chapter, the governor may:

(1) use funds appropriated under 17-7-502 to address drought impacts; and

(2) either on his own initiative or upon petition by affected parties in a basin experiencing water shortages, ~~apply to~~ REQUEST THAT the district court ~~for appointment of~~ APPOINT a water ~~commissioner~~ MEDIATOR [pursuant to ~~section 31 of --- Bill No. ---~~ [SECTION 1] OF HOUSE BILL NO. 463 (SECOND READING COPY) [LC 1265]].

NEW SECTION. Section 6. Appropriation. There is appropriated \$15,000 from the water development special revenue account to the department of natural resources and conservation for the biennium ending June 30, 1991, to

1 provide administrative and staff support for the drought
2 policy commission.

3 NEW SECTION. **Section 7.** Codification instruction. (1)
4 [Sections 1, 3, 4, and 5] are intended to be codified as an
5 integral part of Title 10, chapter 3, part 1, and the
6 provisions of Title 10, chapter 3, part 1, apply to
7 [sections 1, 3, 4, and 5].

8 (2) [Section 2] is intended to be codified as an
9 integral part of Title 2, chapter 15, part 2, and the
10 provisions of Title 2, chapter 15, part 2, apply to [section
11 2].

12 NEW SECTION. **Section 8.** Coordination instruction. The
13 bracketed language in [section 5] is included only if [LC
14 1265] is passed and approved.

15 NEW SECTION. **Section 9.** Effective date. [This act] is
16 effective on passage and approval.

-End-

RE-REFERRED AND
APPROVED BY COMMITTEE
ON APPROPRIATIONS
AS AMENDED

HOUSE BILL NO. 462

INTRODUCED BY HARPER, MARKS, WEEDING,
YELLOWTAIL, BISHOP, O'KEEFE, SEVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A
COMPREHENSIVE STATE DROUGHT MITIGATION PROGRAM; CREATING A
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drought mitigation program that:

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system of the Montana state library and the department of
natural resources and conservation, establishes a
centralized information system using pertinent state,
federal, and private information sources to:

(a) inventory water supply and demand;

(b) monitor drought conditions;

(c) assess the effects of drought on Montana's
economy, people, HEALTH, and environment; and

(d) develop recommendations for water conservation;

(2) provides public notice and sets dates for drought
policy commission meetings, the first of which shall occur
by March 1 of each year;

(3) identifies all technical, economic, and physical
resources available to respond to a drought and sets
priorities on the use of those resources;

(4) promotes drought response planning by water
utilities, local governments, industrial water users,
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and other possible drought responses through use of public
service announcements;

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drought, including cities, tribes, industries, irrigators,
tourism interests, and governmental agencies, to meet the
needs of all water users and to provide for fish and
wildlife protection and public health needs; and

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drought to the public and provides a clearinghouse for
specific drought information through use of a free telephone
request system and computer bulletin boards.

NEW SECTION. Section 2. Drought policy commission.

(1) There is a drought policy commission.

(2) The commission consists of 17 19 members, to be
appointed by the governor within 30 days after [the

1 effective date of this act] as follows:

- 2 (a) the governor or his representative, who shall
3 chair the council;
- 4 (b) one representative of municipalities;
- 5 (c) one representative of industry;
- 6 (d) one representative of agriculture;
- 7 (e) one representative of environmental conservation;
- 8 (f) one representative of the tourism industry;
- 9 (g) one representative of HYDROELECTRIC utilities;
- 10 (h) one representative of irrigation interests;
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- 12 (j) one ex officio member who is the director of the
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25 department of agriculture or his designee;

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2 the United States bureau of reclamation; and
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10 governor shall solicit recommendations from persons and
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20 members of the commission, except ex officio members, is
21 required to adopt a resolution, motion, or other decision of
22 the commission.
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24 duties. (1) The drought policy commission is the primary
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(2) The drought policy commission shall:

(a) develop and propose a drought mitigation plan for the governor;

(b) coordinate REVIEW drought mitigation efforts among state agencies, federal agencies, and the private sector;

(c) help provide public education concerning drought and water conservation;

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16 department of health and environmental sciences or his
17 designee;

18 (l) one ex officio member who is the commissioner of
19 state lands or his designee;

20 (m) one ex officio member who is the director of the
21 department of fish, wildlife, and parks or his designee;

22 (n) one ex officio member who is the director of the
23 department of commerce or his designee;

24 (o) one ex officio member who is the director of the
25 department of agriculture or his designee;

1 (p) one ex officio member who is a representative of
2 the United States bureau of reclamation; and

3 (q) one ex officio member who is a representative of
4 the United States forest service;

5 (R) ONE EX OFFICIO MEMBER WHO IS A REPRESENTATIVE OF
6 THE UNITED STATES SOIL CONSERVATION SERVICE; AND

7 (S) ONE EX OFFICIO MEMBER WHO IS A REPRESENTATIVE OF A
8 CONSERVATION DISTRICT.

9 (3) Before appointing a member to the commission, the
10 governor shall solicit recommendations from persons and
11 organizations that represent the interests associated with
12 the position to which the member is to be appointed.

13 (4) The members serve without pay. Members provided
14 for in subsections (2)(b) through (2)(i) are entitled to
15 reimbursement for travel, meals, and lodging while engaged
16 in commission business, as provided in 2-18-501 through
17 2-18-503.

18 (5) The members serve at the pleasure of the governor.

19 (6) A favorable vote of at least a majority of all
20 members of the commission, except ex officio members, is
21 required to adopt a resolution, motion, or other decision of
22 the commission.

23 NEW SECTION. Section 3. Drought policy commission --
24 duties. (1) The drought policy commission is the primary
25 entity for guiding the state drought mitigation effort.

(2) The drought policy commission shall:

(a) develop and propose a drought mitigation plan for the governor;

(b) coordinate REVIEW drought mitigation efforts among state agencies, federal agencies, and the private sector;

(c) help provide public education concerning drought and water conservation;

(d) set RECOMMEND priorities on the use of state resources for drought mitigation; and

(e) perform other functions that help facilitate a proactive and effective state drought mitigation effort.

(3) The department of natural resources and conservation shall provide administrative and staff support for the commission, and other state agencies shall submit information within their areas of expertise as requested by the commission.

NEW SECTION. Section 4. Priority basins for drought mitigation efforts. (1) The governor, with the advice of the drought policy commission, shall identify priority basins for drought response efforts. The basins must have experienced or be experiencing either chronic water shortages or severe drought impacts.

(2) For each basin identified under subsection (1), the governor shall ensure that:

(a) data on water availability and water use within

the basin are compiled and analyzed;

(b) public meetings are held within the basin to discuss water use problems and to explore potentials for cooperative solutions to the problems caused by the drought. To the extent possible, each cooperative solution must be tied to drought predictors, such as water levels or snowpack readings, for implementation in future drought years.

(3) Persons within a basin may petition the governor for priority basin designation and for implementation of the measures described in subsection (2).

NEW SECTION. Section 5. Drought disaster -- governor's powers. In addition to other powers the governor may have under this chapter, the governor may:

(1) use funds appropriated under 17-7-502 to address drought impacts; and

(2) either on his own initiative or upon petition by affected parties in a basin experiencing water shortages, ~~apply to~~ REQUEST THAT the district court ~~for appointment of~~ APPOINT a water commissioner MEDIATOR [pursuant to {section 3}-of--Bill-No-- [SECTION 1] OF HOUSE BILL NO. 463 (SECOND READING COPY) [LC 1265]]].

NEW SECTION:--Section 6.--Appropriation.---- There ---- is appropriated--\$15,000--from--the--water--development--special revenue--account--to--the--department--of--natural--resources--and conservation--for--the--biennium--ending--June--30,--1991,--to

1 ~~provide-administrative-and-staff--support--for--the--drought~~
2 ~~policy-commission.~~

3 NEW SECTION. Section 6. Codification instruction. (1)
4 [Sections 1, 3, 4, and 5] are intended to be codified as an
5 integral part of Title 10, chapter 3, part 1, and the
6 provisions of Title 10, chapter 3, part 1, apply to
7 [sections 1, 3, 4, and 5].

8 (2) [Section 2] is intended to be codified as an
9 integral part of Title 2, chapter 15, part 2, and the
10 provisions of Title 2, chapter 15, part 2, apply to [section
11 2].

12 NEW SECTION. Section 7. Coordination instruction. The
13 bracketed language in [section 5] is included only if [LC
14 1265] is passed and approved.

15 NEW SECTION. Section 8. Effective date. [This act] is
16 effective on passage and approval.

-End-