

SENATE BILL 363

Introduced by Bianchi

2/11	Introduced
2/11	Referred to Natural Resources
2/11	First Reading
2/16	Fiscal Note Requested
2/17	Hearing
2/19	Tabled in Committee
2/22	Fiscal Note Received
2/22	Fiscal Note Printed

1 Senate BILL NO. 363
2 INTRODUCED BY Branch
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TEMPORARILY CLOSING
5 CERTAIN BASINS TO FURTHER APPROPRIATIONS, EXCEPT
6 APPROPRIATIONS FOR GROUND WATER, DOMESTIC USE,
7 NONCONSUMPTIVE WATER USE, AND STORAGE PROJECTS; AND
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY
9 DATE."

10
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12 NEW SECTION. Section 1. Definitions. Unless the
13 context requires otherwise, in [sections 1 and 2], the
14 following definitions apply:

15 (1) "Application" means an application for a beneficial
16 water use permit pursuant to 85-2-302 or a water reservation
17 pursuant to 85-2-316.

18 (2) "Ground water" means water that is beneath the land
19 surface or beneath the bed of a stream, lake, reservoir, or
20 other body of surface water and that is not immediately or
21 directly connected to surface water.

22 (3) "Nonconsumptive use" means a beneficial use of
23 water that does not cause a reduction in the source of
24 supply and in which substantially all of the water returns
25 without delay to the source of supply, causing little or no

1 disruption in stream conditions.

2 NEW SECTION. Section 2. Basin closure -- exceptions.

3 (1) As provided in 85-2-319 and subject to the provisions of
4 subsection (2) of this section, the department or the board
5 may not process or grant an application for a permit to
6 appropriate water or for a reservation to reserve water
7 within a basin during the period from [the effective date of
8 this act] until the final decrees have been issued in
9 accordance with part 2 of this chapter for all of the
10 subbasins within that basin.

11 (2) The provisions of subsection (1) do not apply to:

12 (a) an application for a permit to appropriate ground
13 water;

14 (b) an application for a permit to appropriate water
15 for a nonconsumptive use;

16 (c) an application to store water during high spring
17 flows;

18 (d) temporary emergency appropriations as provided for
19 in 85-2-113(3);

20 (e) an application for a permit to appropriate water
21 for domestic, municipal, or stock use; and

22 (f) the following mainstem rivers:

23 (i) Missouri River below Fort Peck reservoir;

24 (ii) Kootenai River;

25 (iii) Bighorn River;



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(iv) Clarks Fork of the Yellowstone River.

NEW SECTION. Section 3. Codification instruction.

[Sections 1 and 2] are intended to be codified as an integral part of Title 85, chapter 2, part 3, and the provisions of Title 85, chapter 2, part 3, apply to [sections 1 and 2].

NEW SECTION. Section 4. Applicability. [This act]

applies to all applications received by the department of natural resources and conservation after [the effective date of this act].

NEW SECTION. Section 5. Effective date. [This act] is

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 SB0363, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: A bill to temporarily close certain basins to further appropriations, except appropriations for ground water, domestic use, nonconsumptive water use, and storage projects.

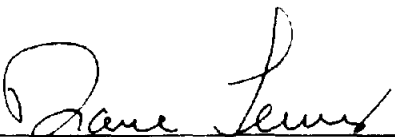
ASSUMPTIONS:

1. The average number of permit applications received annually by the Department of Natural Resources and Conservation (DNRC) in the basins subject to closure is 175.
2. An average of 30 DNRC staff hours are required to process a permit or change application.
3. The cost for one DNRC staff hour is \$15 including benefits.
4. If new permit applications are disallowed, there will be an increase in change applications estimated at 70 per year.

FISCAL IMPACT: The fiscal impact would be net reduced expenditures for permit and change application processing and net reduced revenues to the Water Right Special Revenue Account because of reduced application fees.

	<u>FY94</u>	<u>FY95</u>	<u>Total Biennium</u>
<u>Expenditures:</u>			
New permit applications	(78,750)	(78,750)	(157,500)
Change applications	<u>31,500</u>	<u>31,500</u>	<u>63,000</u>
Expenditure Reduction	(47,250)	(47,250)	(94,500)
<u>Revenues:</u>			
New application fees	(8,750)	(8,750)	(17,500)
Change application fees	<u>3,500</u>	<u>3,500</u>	<u>7,000</u>
Revenue Reduction	(5,250)	(5,250)	(10,500)
<u>Net Impact:</u>	42,000	42,000	84,000

TECHNICAL NOTES: Although new permit applications would be disallowed, change applications would continue and probably increase, offsetting workload reductions associated with new permit applications. Furthermore, violations may increase if users are unable to acquire new permits, again offsetting workload reductions. Another likely repercussion would be an increase in the number of groundwater permit applications.

 2.20.93
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

 2/22/93
 DON BIANCHI, PRIMARY SPONSOR DATE

Fiscal Note for SB0363, as introduced

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