

SENATE BILL 2

Introduced by Gage

12/23	Introduced
11/23	Fiscal Note Requested
11/25	Fiscal Note Received
11/25	Fiscal Note Printed
11/29	First Reading
11/29	Referred to Taxation
12/01	Hearing
12/01	Committee Report--Bill Passed
12/02	2nd Reading Passed
12/03	3rd Reading Passed
	Transmitted to House
12/03	First Reading
12/03	Referred to Appropriations
12/09	Hearing
12/10	Tabled in Committee

SENATE BILL NO. 2

INTRODUCED BY GAGE

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND
CONSERVATION AND THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE TIME FOR
THE BOARD OF NATURAL RESOURCES AND CONSERVATION TO ACT ON
APPLICATIONS FOR RESERVATIONS OF WATER IN THE MISSOURI RIVER
BASIN BELOW FORT PECK DAM AND IN THE LITTLE MISSOURI RIVER
BASIN; AMENDING SECTION 85-2-331, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 85-2-331, MCA, is amended to read:

"85-2-331. Reservations within Missouri River basin and
Little Missouri River basin. (1) The state or an agency or
political subdivision of the state or the United States or
an agency of the United States that desires to apply for a
reservation of water in the Missouri River basin or in the
Little Missouri River basin shall file an application
pursuant to 85-2-316 no later than:

(a) July 1, 1989, for reservation of water above Fort
Peck dam; or

(b) July 1, 1991, for reservation of water below Fort
Peck dam and in the Little Missouri River basin.

(2) Subject to legislative appropriation, the
department shall provide technical and financial assistance
to other state agencies and political subdivisions in
applying for reservations within the Missouri River basin
and the Little Missouri River basin.

(3) (a) Before July 1, 1992, the board shall make a
final determination in accordance with 85-2-316 on all
applications filed before July 1, 1989, for reservations of
water in the Missouri River basin above Fort Peck dam.

(b) Before ~~December 31, 1994~~ June 30, 1997, the board
shall make a final determination in accordance with 85-2-316
on all applications filed before July 1, 1991, for
reservations of water in the Missouri River basin below Fort
Peck dam and in the Little Missouri River basin.

(c) The board shall determine which applications or
portions of applications are considered to be above or below
Fort Peck dam.

(4) Water reservations approved by the board under this
section have a priority date of July 1, 1985, in the
Missouri River basin and a priority date of July 1, 1989, in
the Little Missouri River basin. If the department issues a
permit under Title 85, chapter 2, part 3, prior to the
granting of a reservation under this section, the board may
subordinate the reservation to the permit if it finds that
the subordination does not interfere substantially with the

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1 purpose of any reservation. The board shall by order
2 establish the relative priority of applications approved
3 under this section."

4 NEW SECTION. **Section 2.** Effective date. [This act] is
5 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 SB0002, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act extending the time for the Board of Natural Resources and Conservation to act on applications for reservations of water into the Missouri River basin below Fort Peck Dam and in the Little Missouri River basin; and providing an immediate effective date.

ASSUMPTIONS:

1. Water demand/shortage issues that drove the water reservations process in other basins are not as critical in the Lower Missouri.
2. There is sufficient information in the applications for water reservations to present a credible defense of future water needs (relative to the needs of downstream states).
3. The completion date for final determinations on all water reservation applications filed before July 1, 1991, in the Missouri River basin below Fort Peck dam and in the Little Missouri River basin is changed from December 31, 1994, to June 30, 1997.
4. This change will enable a reduction of 2.00 FTE at 1993 calendar year end when the draft EIS is finished.
5. The \$135,000 biennial appropriation for the final EIS work, printing, mailing notices, and holding a contested case hearing will be saved.
6. A \$46,250 state special revenue grant from the Department of Fish, Wildlife and Parks for this project will be returned.
7. State special revenue savings of \$126,445 in FY94 and \$75,390 in FY95 will be used to offset general fund supported activities within the Water Resources Division, Department of Natural Resources and Conservation.

FISCAL IMPACT:

Department of Natural Resources (Pgm 24)

	<u>FY '94</u>			<u>FY '95</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	117.50	116.50	(1.00)	117.50	115.50	(2.00)
Personal Services	3,924,841	3,887,146	(37,695)	3,993,161	3,917,771	(75,390)
Operating Expenses	1,873,396	1,738,396	(135,000)	1,586,465	1,586,465	0
Equipment	103,657	103,657	0	74,170	74,170	0
Capital Outlay	13,281,000	13,281,000	0	0	0	0
Debt Service	<u>378,744</u>	<u>378,744</u>	<u>0</u>	<u>8,744</u>	<u>8,744</u>	<u>0</u>
Total	19,561,638	19,388,943	(172,695)	5,662,540	5,587,150	(75,390)

(continued on next page)

David Lewis 11-25
 DAVID LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

DELWYN GAGE, PRIMARY SPONSOR DATE
 Fiscal Note for SB0002, as introduced

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Fiscal Note Request, SB0002, as introduced
Form BD-15 page 2
(continued)

	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Funding:</u>						
General Fund	1,977,732	1,851,287	(126,445)	2,011,376	1,935,986	(75,390)
State Special	6,275,151	6,228,901	(46,250)	3,597,846	3,597,846	0
Federal Special	<u>11,308,755</u>	<u>11,308,755</u>	<u>0</u>	<u>53,318</u>	<u>53,318</u>	<u>0</u>
Total	19,561,638	19,388,943	(172,695)	5,662,540	5,587,150	(75,390)
<u>General Fund Impact (savings):</u>			(126,445)			(75,390)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES: There will be no fiscal impact on local revenues or expenditures

APPROVED BY COMMITTEE
ON TAXATION

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(b) Before ~~December 31, 1994~~ June 30, 1997, the board
shall make a final determination in accordance with 85-2-316
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