

Proposed 2011 Session Legislation

Agency Name & No: Department of Natural Resources and Conservation 57060

Priority Number: 3 Filename: 5706\23-003

Short Title: Coal Bed Methane Protection Program

Agency Contact Person/Phone: Ray Beck 444-6671

1. Purpose:

To clarify and amend the current Coal Bed Methane Program statute (76-15 part9).

2. Background:

- A. The following definitions need to be clarified or added: "improvements", "lost land value", "damage to agricultural production", "private landowner", "loss of agricultural income", "developer", and "claim".
B. Increase the compensation limit of \$50,000 to \$150,000 from currently established fund.
C. Explore the option of requiring mitigation as a condition of receiving funds.
D. Explore the potential for subrogation.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

None

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases FTE, or Decreases FTE by, List FTE amount and program, Increases Existing Revenue, Decreases Existing Revenue, Establishes New Revenue, Leg. has been Submitted in Previous Legislative Sessions, Legislation would affect other state agencies, Special Interest Groups Affected, Other.

Proposed 2011 Session Legislation

Agency Name & No: Department of Natural Resources and Conservation 57060

Priority Number: 1 Filename: 5706\24-001

Short Title: Water Banking

Agency Contact Person/Phone: Terri McLaughlin, 444-6631

1. Purpose:

Provide a mechanism for existing water right owners to bank their water right for future mitigation needs. When a new appropriation needs mitigation water to off-set their adverse affects on senior water rights, they would be able to purchase or lease water from the bank for this mitigation purpose.

2. Background:

HB831 (2007), requires new ground water appropriations inclosed basins that have a net depletion to surface waters that results in an adverse effect to mitigate or off-set these depletions. There are also cases outside of closed basins where new appropriations of groundwater have been required to find mitigation water to off-set adverse effects to senior surface water rights. It can be difficult and very expensive for individuals to research potential existing water rights to acquire for mitigation water.

3. Fiscal Inact by Fund Type: This impact should be as specific as possible.

No fiscal impact.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases/Decreases FTE, Revenue changes (Tax, Fee, Penalty), Previous Legislative Sessions, Other state agencies affected, Special Interest Groups Affected, Other.

Proposed 2011 Session Legislation

Agency Name & No: Dept of Natural Resources & Conservation 57060

Priority Number: 6 Filename: 5706\25-006

Short Title: 85-20-1505 Blackfeet Infrastructure Account

Agency Contact Person/Phone: Patricia Schiltz, 444-6735

1. Purpose:

To appropriate \$16 million for the Blackfeet water rights compact infrastructure account (85-20-1505)

2. Background:

In 2009, the Blackfeet water compact was approved by the legislature (HB 161) and \$4 million was appropriated into the infrastructure account. An additional \$16 million appropriation will complete the state's cost share commitment for the water settlement.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

\$16 million general fund transfer or ???? to the Blackfeet Infrastructure account.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only     Federal Requirement     Audit Recommendation (Audit No. )     Major Legislation
- Anticipated to be Controversial Legislation     Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number      Local Government Fiscal Impact
- Increases FTE, or     Decreases FTE by    List FTE amount and program
- Increases Existing Revenue     Tax     Fee     Penalty [amount in #3]
- Decreases Existing Revenue     Tax     Fee     Penalty [amount in #3]
- Establishes New Revenue     Tax     Fee     Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):
- Legislation would affect other state agencies (list):
- Special Interest Groups Affected (list):
- Other:

**Proposed 2011 Session Legislation**

**Agency Name & No:** Dept of Natural Resources & Conservation 57060

**Priority Number:** 8 **Filename:** 5706\25-008

**Short Title:** 85-20-1007-Fort Belknap-Peoples Crk Min Flow Acct-Correct Account Type

**Agency Contact Person/Phone:** Patricia Schiltz, 444-6735

**1. Purpose:**

Correct account type from private purpose trust to state special revenue. Per Dept. of Administration, State Accounting Div., in order to create a private purpose trust fund in SABHRS, an agreement must be in place between DNRC and the Fort Belknap Reservation. Since an agreement is not in place, the account must be a state special revenue fund.

**2. Background:**

Currently, the DNRC receives General Fund transfers to fund the account in the amount of \$1,000,000 by the end of FY10. DNRC invests the funds in STIP and retains the interest in the account. The funds will remain in the account until the approval of the final decree pursuant to Article VII of the compact. The correction would be: 85-20-1007. Peoples Creek minimum flow account. (1) A private purpose trust state special revenue account, called the Peoples Creek minimum flow account, is established, as provided for in 17-2-102, for deposit of funds and interest on funds appropriated by the state for efficiency improvements and bypass structures for irrigation upstream from the Fort Belknap Reservation in the Peoples Creek Basin 401 and for a reservoir on the Reservation for the purpose of improving minimum stream flow.

**3. Fiscal Impact by Fund Type:** *This impact should be as specific as possible.*

None.

**4. Summary Checklist [Check & complete all that apply]--**

- Housekeeping Only       Federal Requirement       Audit Recommendation (Audit No. )       Major Legislation
- Anticipated to be Controversial Legislation       Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number        Local Government Fiscal Impact
- Increases FTE, or       Decreases FTE by      List FTE amount and program
- Increases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Decreases Existing Revenue       Tax       Fee       Penalty [amount in #3]
- Establishes New Revenue       Tax       Fee       Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):
- Legislation would affect other state agencies (list):
- Special Interest Groups Affected (list):
- Other:

Proposed 2011 Session Legislation

Agency Name & No: Dept of Natural Resources & Conservation 57060

Priority Number: 9 Filename: 5706\25-009

Short Title: 85-20-1504 Blackfeet Tribe water rights compact mitigation account- Incorporate Statutory Authority to Expend Interest & Income

Agency Contact Person/Phone: Patricia Schiltz, 444-6735

1. Purpose:

Add language to 85-20-1504, MCA to establish statutory authority to expend \$650,000 of interest & income already authorized in the code: funds are statutorily appropriated, as provided in 17-7-502, from the Blackfeet Tribe water rights compact mitigation account... Cross reference 85-20-1504, MCA in 17-7-502 (3), MCA.

2. Background:

In the 2007 Session, HB829 established the Blackfeet Tribe water rights compact mitigation account and authorized a general fund transfer of \$15 million. The bill also authorized up to \$650,000 per year, to be paid annually to the Blackfeet Tribe.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

None.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only, Federal Requirement, Audit Recommendation, Major Legislation, Anticipated to be Controversial Legislation, Bill Draft has been included in Legislation Submittal, Supports Submitted EPP Item Number, Local Government Fiscal Impact, Increases/Decreases FTE, Revenue changes (Tax, Fee, Penalty), Leg. has been Submitted in Previous Legislative Sessions, Legislation would affect other state agencies, Special Interest Groups Affected, Other.

Proposed 2009 Session Legislation

Agency Name & No: Department of Natural Resources and Conservation 57060

Priority Number: 2 Filename: 5706\35-002

Short Title: Modify Recreational Use Penalty

Agency Contact Person/Phone: Kevin Chappell 444-3847

1. Purpose:

To change the violation section of 77-1-804(8) from a civil penalty of up to \$1,000 each day, to a misdemeanor with a fine of not less than \$50 or more than \$500, imprisoned in the county jail for not more than 6 months, or both.

2. Background:

Currently, in 2 sections of statute (77-1-801 & 77-1-806 MCA), violations of recreational use laws on state land are classified as a misdemeanor with a penalty of not less \$50 or more than \$500, imprisoned in the county jail for not more than 6 months, or both. Violations are issued and collected by DFWP wardens. In 77-1-804(8), a violation is classified as a civil penalty that the Department must collect. The Department has found these penalties difficult to administer and often the violation goes unresolved. This proposal will make penalties for all violations consistent and administered through DFWP wardens.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

The proposal will increase fines collected and deposited into the general fund. The amount is likely to be less than \$2,500.

4. Summary Checklist [Check & complete all that apply]--

- Housekeeping Only
- Federal Requirement
- Audit Recommendation (Audit No.: \_\_\_\_\_)
- Major Legislation
- Anticipated to be Controversial Legislation
- Bill Draft has been included in Legislation Submittal (if available)
- Supports Submitted EPP Item Number \_\_\_\_\_
- Local Government Fiscal Impact
- Increases FTE, or  Decreases FTE by \_\_\_\_\_ List FTE amount and program \_\_\_\_\_
- Increases Existing Revenue  Tax  Fee  Penalty [amount in #3]
- Decreases Existing Revenue  Tax  Fee  Penalty [amount in #3]
- Establishes New Revenue  Tax  Fee  Penalty [amount in #3]
- Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no): \_\_\_\_\_
- Legislation would affect other state agencies (list): DFWP is responsible for enforcement of these statutes.
- Special Interest Groups Affected (list): \_\_\_\_\_
- Other: \_\_\_\_\_

**Proposed 2011 Session Legislation**

**Agency Name & No:** Department of Natural Resources and Conservation 57060

**Priority Number:** 4      **Filename:** 5706\35-004

**Short Title:** Revise Timing of Trust Deposits & Definition of Distributable Revenue - Title 77

**Agency Contact Person/Phone:** Tom Schultz 444-4978

**1. Purpose:**

Update 20-9-342 to refer to a fiscal year as opposed to a calendar year. Additionally, update 77-1-101 to clean up the definitions sections in 4(a) and 4(c).

**2. Background:**

Currently DNRC transfers interest and income money to OPI in February, for revenue received in July thru December and transfers interest and income money to OPI for revenue received in January thru May in June with the balance transferred at fiscal year end. 77-1-101 4(a) is redundant and is more clearly addressed in 77-1-101 4(b). Additionally, 77-1-101 4(c) needs to be clarified by including the term interest in addition to income. A definition of state trust lands also needs to be added to 77-1-101.

**3. Fiscal Impact by Fund Type:** *This impact should be as specific as possible.*

No fiscal impact since not fees were assessed or collected.

**4. Summary Checklist [Check & complete all that apply]--**

<input checked="" type="checkbox"/> Housekeeping Only	<input type="checkbox"/> Federal Requirement	<input type="checkbox"/> Audit Recommendation (Audit No. _____)	<input type="checkbox"/> Major Legislation
<input type="checkbox"/> Anticipated to be Controversial Legislation	<input type="checkbox"/> Bill Draft has been included in Legislation Submittal (if available)		
<input type="checkbox"/> Supports Submitted EPP Item Number _____	<input type="checkbox"/> Local Government Fiscal Impact		
<input type="checkbox"/> Increases FTE, or <input type="checkbox"/> Decreases FTE by _____	List FTE amount and program _____		
<input type="checkbox"/> Increases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Decreases Existing Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Establishes New Revenue	<input type="radio"/> Tax	<input type="radio"/> Fee	<input type="radio"/> Penalty [amount in #3]
<input type="checkbox"/> Leg. has been Submitted in Previous Legislative Sessions (list priority no, LC no, or bill no):	_____		
<input type="checkbox"/> Legislation would affect other state agencies (list):	_____		
<input type="checkbox"/> Special Interest Groups Affected (list):	_____		
<input type="checkbox"/> Other:	_____		

Proposed 2011 Session Legislation

Agency Name & No: Department of Natural Resources and Conservation 57060

Priority Number: 13 Filename: 5706\35-013

Short Title: Clarification of State Wildfire Assessments Language

Agency Contact Person/Phone: Bob Harrington 542-4301

1. Purpose:

In Sec 76-13-108(3), change the term "forest protection district" to "wildland fire protection district" to be consistent with other similar language changes made during the 2007 legislative session. Also, in Section 76-13-102(6), add "Board of Regents" to the definition of "Owner" to ensure continued ability to assess forest lands owned and operated by the Montana University system.

2. Background:

HJ10 from the 2006 interim resulted in several bills that updated existing statute to reflect current conditions. A common change was to replace "forest fire protection district" with "wildland fire protection district" in several places throughout MCA, to reflect that not all lands within the DNRC fire districts are forested. 76-13-108(3) was not changed at that time, and should have been. Also, DNRC currently assesses 22,967 acres of University of Montana property for wildland fire protection, and technically cannot continue to do so because the University system does not meet the legal definition of "owner". This legislation would ensure the ability to continue to collect assessments from and provide wildland fire protection to these lands.

3. Fiscal Impact by Fund Type: This impact should be as specific as possible.

None

4. Summary Checklist [Check & complete all that apply]--

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