

1 HOUSE BILL NO. 49

2 INTRODUCED BY B. HANDS

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE CREATION OF STATE DEBT THROUGH THE
6 ISSUANCE OF GENERAL OBLIGATION BONDS FOR WATER-RELATED INFRASTRUCTURE PROJECTS
7 WITHIN THE EXTERIOR BOUNDARIES OF THE BLACKFEET INDIAN RESERVATION; PROVIDING A
8 STATUTORY APPROPRIATION TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
9 FROM THE BLACKFEET TRIBE WATER RIGHTS COMPACT INFRASTRUCTURE ACCOUNT FOR
10 WATER-RELATED INFRASTRUCTURE PROJECTS WITHIN THE EXTERIOR BOUNDARIES OF THE
11 BLACKFEET INDIAN RESERVATION; CONDITIONING THE ISSUANCE OF THE BONDS AND THE
12 APPROPRIATION ON RATIFICATION OF A WATER RIGHTS COMPACT BY THE BLACKFEET TRIBE, THE
13 LEGISLATURE, AND THE CONGRESS OF THE UNITED STATES; AMENDING SECTIONS 17-7-502 AND
14 85-20-1505, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15

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

17

18 NEW SECTION. **Section 1. Authorization of bonds -- condition.** (1) Subject to subsection (3) and
19 upon request of the director of the department of natural resources and conservation, the board of examiners may
20 issue and sell general obligation bonds in a principal amount not exceeding \$16 million to pay the state's costs
21 for water-related infrastructure projects within the exterior boundaries of the Blackfeet Indian reservation as
22 provided for in 85-20-1505.

23 (2) The proceeds from the bonds authorized under this section must be deposited in a bond proceeds
24 subaccount created in the Blackfeet Tribe water rights compact infrastructure account provided for in 85-20-1505.

25 (3) The bonds must be sold and issued pursuant to the provisions of Title 17, chapter 5, part 8.

26 (4) The bonds may not be issued or sold unless a water rights compact among the Blackfeet Tribe, the
27 state, and the United States has been finally ratified by the Blackfeet Tribe, the legislature, and the Congress of
28 the United States.

29

30 **Section 2.** Section 17-7-502, MCA, is amended to read:

1 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
2 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
3 need for a biennial legislative appropriation or budget amendment.

4 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
5 of the following provisions:

6 (a) The law containing the statutory authority must be listed in subsection (3).

7 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory
8 appropriation is made as provided in this section.

9 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
10 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;
11 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;
12 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101;
13 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506;
14 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306;
15 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101;
16 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870;
17 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-10-103;
18 82-11-161; 85-20-1505; 87-1-230; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and
19 90-9-306.

20 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
21 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
22 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
23 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
24 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
25 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
26 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is
27 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch.
28 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and
29 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.
30 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the

1 supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113
2 terminates June 30, 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30,
3 2013; and pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019.)"

4

5 **Section 3.** Section 85-20-1505, MCA, is amended to read:

6 **"85-20-1505. Blackfoot Tribe water rights compact infrastructure account -- use.** (1) There is an
7 account within the state special revenue fund called the Blackfoot Tribe water rights compact infrastructure
8 account. The department shall administer the account.

9 (2) The Blackfoot Tribe water rights compact infrastructure account may be used only for water-related
10 infrastructure projects within the exterior boundaries of the Blackfoot Indian reservation.

11 (3) Funds from this account may not be disbursed unless a water rights compact among the Blackfoot
12 Tribe, the state, and the United States has been finally ratified by the legislature, the Congress of the United
13 States, and the Blackfoot Tribe.

14 (4) All interest and other income earned on money in the account must be deposited in the account.

15 (5) All proceeds of the bonds authorized in [section 1] must be deposited in a bond proceeds subaccount
16 established in the Blackfoot Tribe water rights compact infrastructure account.

17 (6) Subject to subsection (3), money in the Blackfoot Tribe water rights compact infrastructure account,
18 including the proceeds of the bonds authorized in [section 1] deposited in the bond proceeds subaccount, are
19 statutorily appropriated, as provided in 17-7-502, to the department of natural resources and conservation for the
20 purpose of funding the state's portion of the cost of the Four Horns Project as provided for in the agreement
21 between the Blackfoot Tribe of the Blackfoot Indian reservation and the state of Montana regarding Birch Creek
22 water use, dated January 31, 2008, as may be amended."

23

24 NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a
25 copy of [this act] to the Blackfoot Tribe.

26

27 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an
28 integral part of Title 85, chapter 20, part 15, and the provisions of Title 85, chapter 20, part 15, apply to [section
29 1].

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