

## 1 HOUSE BILL NO. 79

2 INTRODUCED BY L. EVANS

3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A STATUTORY APPROPRIATION FOR CERTAIN  
 6 INTEREST AND INCOME IN THE BLACKFEET TRIBE WATER RIGHTS COMPACT MITIGATION ACCOUNT  
 7 TO IMPLEMENT THE WATER RIGHTS COMPACT; AMENDING SECTIONS 17-7-502 AND 85-20-1504, MCA;  
 8 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

9  
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
 12 **Section 1.** Section 17-7-502, MCA, is amended to read:

13 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
 14 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
 15 need for a biennial legislative appropriation or budget amendment.

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

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

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

21 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
 22 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;  
 23 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;  
 24 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;  
 25 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;  
 26 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;  
 27 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;  
 28 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;  
 29 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;  
 30 82-11-161; 85-20-1504; 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

1 90-9-306.

2 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
3 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
4 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
5 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
6 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
7 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
8 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is  
9 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.  
10 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and  
11 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.  
12 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the  
13 supplemental benefit provided by 19-6-709; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113  
14 terminates June 30, 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30,  
15 2013; and pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019.)"

16

17 **Section 2.** Section 85-20-1504, MCA, is amended to read:

18 **"85-20-1504. Blackfoot Tribe water rights compact mitigation account -- use.** (1) There is an  
19 account within the state special revenue fund called the Blackfoot Tribe water rights compact mitigation account.  
20 The department shall administer the account. Up to \$650,000 each fiscal year of interest and earnings on the  
21 account must be deposited in the account.

22 (2) The Blackfoot Tribe water rights compact mitigation account may be used only for:

23 (a) expenditures for grants to or matching funds for federal or other grants to water right holders under  
24 state law for water from Birch Creek, Badger Creek, Cut Bank Creek, the Two Medicine River, and the portion  
25 of the Milk River within the exterior boundaries of the Blackfoot Indian Reservation for projects approved by the  
26 department to enhance water availability or otherwise mitigate the economic and hydrologic impacts on water  
27 right holders under state law caused by the development of the Blackfoot Tribe's water rights under a water rights  
28 compact pursuant to 85-2-702 quantifying the water rights of the Blackfoot Tribe; and

29 (b) implementation of the water rights compact among the Blackfoot Tribe, the state, and the United  
30 States and any associated agreements as may be specified in the compact or agreements.

1           (3) (a) The department may expend up to \$500,000 of the account to conduct preliminary feasibility  
2 studies and an associated environmental review for water compact purposes.

3           (b) The department may expend up to \$650,000 each fiscal year of the interest and income on the  
4 escrow account provided for in subsection (4)(b) for the purposes described in subsection (2)(b). This money is  
5 statutorily appropriated, as provided in 17-7-502.

6           (4) (a) At least \$4.5 million of this account must be dedicated to mitigate impacts on water right holders  
7 under state law for use of water out of Birch Creek.

8           (b) The amount of \$10 million in this account must be held in escrow. The department shall negotiate  
9 the terms of an escrow agreement.

10          (5) Except as provided in subsection (3), funds from this account may not be disbursed unless a water  
11 rights compact among the Blackfeet Tribe, the state, and the United States has been finally ratified by the  
12 legislature, the Congress of the United States, and the Blackfeet Tribe."

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14           NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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