

HOUSE BILL NO. 107

INTRODUCED BY C. GLIMM

BY REQUEST OF THE WATER POLICY INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SURFACE WATER ASSESSMENT AND MONITORING PROGRAM; PROVIDING FOR A SURFACE WATER ASSESSMENT AND MONITORING PROGRAM SPECIAL REVENUE ACCOUNT; PROVIDING PROGRAM DUTIES; PROVIDING A STATUTORY APPROPRIATION; TRANSFERRING FUNDS; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Surface water assessment and monitoring program -- steering committee. (1) The Montana bureau of mines and geology shall develop and implement a surface water assessment and monitoring program for the purpose of collecting and compiling surface water information. The bureau shall gather data, compile existing information, conduct field studies, and prepare a detailed hydrogeologic assessment report for each subbasin. The bureau shall develop a monitoring plan and a hydrogeologic model for each subbasin for which a report is prepared.

(2) (a) There is a surface water assessment and monitoring program steering committee consisting of an employee of each of the following state agencies that have responsibility for surface water protection, management, or information who is appointed by the head of the respective state agency:

- (i) the department of natural resources and conservation;
- (ii) the department of environmental quality;
- (iii) the department of agriculture; and
- (iv) the Montana state library, natural resource information system.

(b) The committee may include representatives of the following agencies and units of government with expertise or management responsibility related to surface water:

- (i) the legislative services division;
- (ii) the board of oil and gas conservation;
- (iii) the Montana bureau of mines and geology;



- 1 (iv) a soil and water conservation district;
- 2 (v) a unit of the university system, other than the Montana bureau of mines and geology, appointed by
3 the board of regents of higher education for the Montana university system;
- 4 (vi) a county government, appointed by an organization of Montana counties;
- 5 (vii) a city, town, or city-county government, appointed by an organization of Montana cities and towns;
- 6 (viii) each principal federal agency that has responsibility for surface water protection, management, or
7 research, appointed by the Montana head of the respective federal agency.

8 (c) The committee may include one representative of each of the following organizations and groups,
9 appointed by the governor, to serve as ex officio members:

- 10 (i) agricultural water users;
- 11 (ii) industrial water users;
- 12 (iii) a conservation or ecological protection organization; and
- 13 (iv) the development community.

14 (3) The surface water assessment and monitoring program steering committee shall prioritize subbasins
15 for investigation based on current and anticipated growth of agriculture, industry, housing, and commercial
16 activity. Permit applications for the development of surface water or ground water and the timing of the
17 adjudication of water rights may be taken into account when prioritizing subbasins.

18 (4) The surface water assessment and monitoring program steering committee shall elect a presiding
19 officer from its voting members.

20 (5) The Montana bureau of mines and geology shall provide staff support to the committee.

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22 **NEW SECTION. Section 2. Surface water assessment and monitoring program account -- use.**

23 (1) There is a surface water assessment and monitoring program account in the state special revenue fund. The
24 account is administered by the Montana bureau of mines and geology and is statutorily appropriated, as provided
25 in 17-7-502, for the purpose of funding activities related to the surface water assessment and monitoring program,
26 as administered by the Montana bureau of mines and geology.

27 (2) Interest and earnings on the account must be deposited into the account.

28 (3) Any money in the account that is unspent or unencumbered at the end of the fiscal year must remain
29 in the account.

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1 **NEW SECTION. Section 3. General fund allocation.** The state treasurer shall transfer \$250,000 plus
 2 the inflation factor defined in 15-30-2101 each fiscal year from the general fund to the surface water assessment
 3 and monitoring program account for the purpose of funding the surface water assessment and monitoring
 4 program, as administered by the Montana bureau of mines and geology.

5
 6 **Section 4.** Section 17-7-502, MCA, is amended to read:

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

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

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

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

15 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
 16 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;
 17 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101;
 18 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215;
 19 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;
 20 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; 20-26-617;
 21 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301;
 22 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213;
 23 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870;
 24 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416;
 25 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; [section 2]; 85-20-1504; 85-20-1505; [85-25-102];
 26 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

27 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
 28 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
 29 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
 30 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state

1 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
 2 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
 3 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
 4 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and
 5 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
 6 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
 7 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion
 8 of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004
 9 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30,
 10 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017;
 11 pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency;
 12 pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch.
 13 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec.
 14 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015,
 15 the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of
 16 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of
 17 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
 18 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates
 19 September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December
 20 31, 2023.)"

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 22 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 through 3] are intended to be codified
 23 as an integral part of Title 85, and the provisions of Title 85 apply to [sections 1 through 3].

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 25 **COORDINATION SECTION. SECTION 6. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 360 AND**
 26 **[THIS ACT] ARE PASSED AND APPROVED, THEN HOUSE BILL NO. 360 IS VOID.**

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 28 **NEW SECTION. Section 7. Effective date.** [This act] is effective July 1, 2017.

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 30 **NEW SECTION. Section 8. Termination.** [This act] terminates June 30, 2025.

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