

HOUSE BILL NO. 342

INTRODUCED BY B. BROWN, Z. BROWN, J. COHENOUR, M. CUFFE, C. GLIMM, B. HAMLETT,
T. MANZELLA, J. SESSO

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A SURFACE WATER ASSESSMENT AND
MONITORING PROGRAM SPECIAL REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION;
PROVIDING FOR AN ANNUAL TRANSFER OF FUNDS; AMENDING ~~SECTION~~ SECTIONS 17-7-502 AND
85-2-1001, 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 account -- use.

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

(2) Interest and income earnings in the account must be deposited into the account.

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

NEW SECTION. Section 2. General fund allocation. By August 15 of each year, the state treasurer

shall transfer \$250,000 plus the approved inflation factor contained in the revenue estimating resolution each fiscal year from the general fund to the surface water assessment and monitoring program account for the purpose of funding the surface water assessment and monitoring program, as administered by the Montana bureau of mines and geology.

Section 3. Section 17-7-502, MCA, is amended to read:

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

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

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

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

6 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
7 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;
8 10-3-312; 10-3-314; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110;
9 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222;
10 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604;
11 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622;
12 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409;
13 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 37-54-113; 39-71-503; 41-5-2011;
14 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-6-1304; 53-9-113; 53-24-108;
15 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313;
16 75-26-308; 76-13-150; 76-13-416; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518;
17 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-10-103; 82-11-161; [section 1]; 85-20-1504; 85-20-1505;
18 [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

19 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
20 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
21 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
22 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
23 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
24 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
25 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
26 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
27 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
28 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
29 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion
30 of 76-13-416 terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112

1 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015,
 2 the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of
 3 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates
 4 June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of
 5 contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant
 6 to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec.
 7 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; pursuant to sec. 33, Ch. 457,
 8 L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the
 9 inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304
 10 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates
 11 June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant
 12 to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023;
 13 pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023, and pursuant to sec. 2,
 14 Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; and pursuant to sec. 10,
 15 Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027.)"

16

17 **SECTION 4. SECTION 85-2-1001, MCA, IS AMENDED TO READ:**

18 **"85-2-1001. Surface water assessment and monitoring program -- steering committee.** (1) The
 19 Montana bureau of mines and geology shall develop and implement a surface water assessment and monitoring
 20 program for the purpose of collecting and compiling surface water information. The bureau shall gather data,
 21 compile existing information, conduct field studies, and prepare a detailed hydrogeologic assessment report for
 22 each subbasin. The bureau shall develop a monitoring plan and a hydrogeologic model for each subbasin for
 23 which a report is prepared.

24 (2) (a) There is a surface water assessment and monitoring program steering committee consisting of:

25 (i) an employee of each of the following state agencies that have responsibility for surface water
 26 protection, management, or information who is appointed by the head of the respective state agency:

27 (A) the department of natural resources and conservation;

28 (B) the department of environmental quality;

29 (C) the department of agriculture; and

30 (D) the Montana state library, natural resource information system; and

1 (ii) at least one representative of tribal governments in Montana, appointed by the governor.

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

4 (i) the legislative services division;

5 (ii) the board of oil and gas conservation;

6 (iii) the Montana bureau of mines and geology;

7 (iv) a soil and water conservation district;

8 (v) a unit of the Montana university system, other than the Montana bureau of mines and geology,
9 appointed by the board of regents of higher education for the university system;

10 (vi) a county government, appointed by an organization of Montana counties;

11 (vii) a city, town, or city-county government, appointed by an organization of Montana cities and towns;

12 and

13 (viii) each principal federal agency that has responsibility for surface water protection, management, or
14 research, appointed by the Montana head of the respective federal agency.

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

17 (i) agricultural water users;

18 (ii) industrial water users;

19 (iii) a conservation or ecological protection organization; and

20 (iv) the development community.

21 (3) The steering committee shall prioritize subbasins for investigation based on current and anticipated
22 growth of agriculture, industry, housing, and commercial activity. Permit applications for the development of
23 surface water or ground water and the timing of the adjudication of water rights may be taken into account when
24 prioritizing subbasins.

25 (4) The steering committee shall elect a presiding officer from its voting members.

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

27 (6) The bureau of mines and geology shall report, in accordance with 5-11-210, on the work of the
28 surface water assessment and monitoring program to the water policy committee established in 5-5-231."

29

30 NEW SECTION. Section 5. Codification instruction. [Sections 1 and 2] are intended to be codified

1 as an integral part of Title 85, chapter 2, part 10, and the provisions of Title 85, chapter 2, part 10, apply to
2 [sections 1 and 2].

3

4 NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2019.

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6 NEW SECTION. SECTION 7. TERMINATION. [SECTIONS 1 THROUGH 3] TERMINATE JULY 1, 2023.

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