

\*\*\*\* Bill No. \*\*\*\*

Introduced By \*\*\*\*\*

By Request of the \*\*\*\*\*

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."

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

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

- (i) agricultural water users;
- (ii) industrial water users;
- (iii) a conservation or ecological protection organization;

and

- (iv) the development community.

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

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

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

**NEW SECTION. Section 2. 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 earnings on 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 3. General fund allocation.** The state treasurer shall transfer \$250,000 plus the inflation factor defined in 15-30-2101 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 4.** 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.

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 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; 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; 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; 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; 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; 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; 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; 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; 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; 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; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

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

treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded 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 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30, 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency; pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to secs. 27 and 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 is effective on occurrence of contingency and terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L.

2015, the inclusion of 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 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 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December 31, 2023.)"

{ *Internal References to 17-7-502:*

x2-17-105	x5-11-120	x5-11-407	x5-13-403
x7-4-2502	x10-1-108	x10-1-1202	x10-1-1303
x10-2-603	x10-3-203	x10-3-310	x10-3-312
x10-3-312	x10-3-314	x10-4-301	x15-1-121
x15-1-218	x15-35-108	x15-35-108	x15-35-108
x15-35-108	x15-36-332	x15-36-332	x15-37-117
x15-37-117	x15-37-117	x 15-39-110	x15-65-121
x15-70-101	x15-70-433	x15-70-601	x16-11-509
x17-1-508	x17-3-106	x17-3-112	x17-3-212
x17-3-222	x17-3-241	x17-6-101	x17-7-215
x17-7-501	x18-11-112	x19-3-319	x19-6-404
x19-6-410	x19-9-702	x19-13-604	x19-17-301
x19-18-512	x19-19-305	x19-19-506	x19-20-604
x19-20-607	x19-21-203	x 20-8-107	x20-9-517
x20-9-517	x20-9-520	x 20-9-534	x20-9-622
x20-9-905	x20-26-617	x20-26-1503	x22-1-327
x22-3-116	x22-3-117	x22-3-1004	x23-4-105
x23-4-105	x23-5-306	x 23-5-409	x23-5-612
x23-7-301	x23-7-402	x23-7-402	x23-7-402
x30-10-1004	x37-43-204	x 37-50-209	x37-51-501
x39-71-503	x41-5-2011	x42-2-105	x44-4-1101
x44-12-213	x44-13-102	x50-1-115	x53-1-109
x53-6-1304	x53-6-1304	x 53-9-113	x53-24-108
x53-24-108	x53-24-206	x60-11-115	x61-3-415
x69-3-870	x75-1-1101	x75-5-1108	x75-6-214
x75-11-313	x76-13-150	x76-13-416	x77-1-108
x77-2-362	x80-2-222	x80-4-416	x80-11-518
x81-1-112	x81-7-106	x81-10-103	x82-11-161
x82-11-161	x85-20-1504	x85-20-1505	x85-25-102
x87-1-603	x90-1-115	x90-1-115	x90-1-205
x90-1-504	x90-3-1003	x90-6-331	x90-9-306 }

NEW SECTION.    **Section 5.**    {standard} Codification

**instruction.** [Sections 1 through 3] are intended to be codified as an integral part of Title 85, and the provisions of Title 85 apply to [sections 1 through 3].

NEW SECTION. **Section 6. {standard} Effective date.** [This act] is effective July 1, 2017.

- END -

{Name : Jason Mohr  
Title : Research analyst  
Agency : Legislative Environmental Policy Office  
Phone : 444-1640  
E-Mail : jmohr2@mt.gov}