

HOUSE BILL NO. 341

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 GROUND WATER INVESTIGATION PROGRAM
SPECIAL REVENUE ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; PROVIDING FOR AN
ANNUAL TRANSFER OF FUNDS; AMENDING ~~SECTION~~ SECTIONS 17-7-502 AND 85-2-525, 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. Ground water investigation program account -- use. (1) There is a
ground water investigation 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 ground water investigation program, as provided in 85-2-525.

(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 transfer. 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 ground water investigation program account for the purpose of funding the
ground water investigation program.

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.

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

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

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

4 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;
5 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;
6 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;
7 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;
8 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;
9 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;
10 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;
11 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;
12 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;
13 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;
14 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;
15 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;
16 [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.

17 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
18 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued
19 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana
20 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state
21 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory
22 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion
23 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded
24 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
25 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.
26 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under
27 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion
28 of 76-13-416 terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112
29 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015,
30 the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of

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

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15 **SECTION 4. SECTION 85-2-525, MCA, IS AMENDED TO READ:**

16 **"85-2-525. Ground water investigation program -- advisory committee.** (1) The Montana bureau of
 17 mines and geology shall develop and implement a ground water investigation program for the purpose of
 18 collecting and compiling ground water and aquifer data. The program shall gather data, compile existing
 19 information, conduct field studies, and prepare a detailed hydrogeologic assessment report for each subbasin.
 20 The program shall develop a monitoring plan and a hydrogeologic model for each subbasin for which a report
 21 is prepared.

22 (2) The ground water assessment steering committee, established by 2-15-1523, shall prioritize
 23 subbasins for investigation based upon current and anticipated growth of agriculture, industry, housing, and
 24 commercial activity. Permit applications for the development of surface water or ground water and the timing of
 25 adjudication of water rights may be taken into account in prioritizing subbasins.

26 (3) The bureau of mines and geology shall report, in accordance with 5-11-210, on the work of the
 27 ground water investigation program to the water policy committee established in 5-5-231."

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29 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 and 2] are intended to be codified
 30 as an integral part of Title 85, chapter 2, part 5, and the provisions of Title 85, chapter 2, part 5, apply to [sections

1 1 and 2].

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

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

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