

HOUSE BILL NO. 414

INTRODUCED BY COHEN

IN THE HOUSE

JANUARY 28, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON NATURAL RESOURCES.

  FIRST READING.

FEBRUARY 7, 1991                   COMMITTEE RECOMMEND BILL  
  DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 8, 1991                   PRINTING REPORT.

FEBRUARY 9, 1991                   SECOND READING, DO PASS.

  ON MOTION, REREFERRED TO COMMITTEE  
  ON APPROPRIATIONS.

MARCH 23, 1991                    COMMITTEE RECOMMEND BILL  
  DO PASS. REPORT ADOPTED.

MARCH 25, 1991                    PRINTING REPORT.

MARCH 28, 1991                    SECOND READING, DO PASS.

  ENGROSSING REPORT.

  ON MOTION, RULES SUSPENDED. BILL  
  PLACED ON THIRD READING THIS DAY.

  THIRD READING, PASSED.  
  AYES, 66; NOES, 33.

  TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 28, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
  ON NATURAL RESOURCES.

  FIRST READING.

APRIL 11, 1991                    COMMITTEE RECOMMEND BILL BE  
  CONCURRED IN. REPORT ADOPTED.

APRIL 13, 1991                    SECOND READING, CONCURRED IN.

APRIL 15, 1991                    THIRD READING, CONCURRED IN.

AYES, 32; NOES, 16.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 16, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 414  
2 INTRODUCED BY \_\_\_\_\_  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A WATER  
5 QUALITY REHABILITATION ACCOUNT; REQUIRING THAT FINES AND  
6 CIVIL PENALTIES COLLECTED FOR VIOLATIONS OF TITLE 75,  
7 CHAPTER 5, MCA, BE DEPOSITED IN THE WATER QUALITY  
8 REHABILITATION ACCOUNT; PROVIDING FOR A STATUTORY  
9 APPROPRIATION OF THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND  
10 ENVIRONMENTAL SCIENCES; REQUIRING THAT CERTAIN COSTS AND  
11 EXPENSES RECOVERED BY THE DEPARTMENT FOR ACTIONS FINANCED BY  
12 THE WATER QUALITY REHABILITATION ACCOUNT BE DEPOSITED IN THE  
13 ACCOUNT; AMENDING SECTIONS 17-7-502, 75-5-634, AND 75-5-635,  
14 MCA; AND PROVIDING AN EFFECTIVE DATE."  
15

16 STATEMENT OF INTENT

17 A statement of intent is required for this bill in order  
18 to provide guidance to the department of health and  
19 environmental sciences concerning its authority to make  
20 rules on the following subjects:

- 21 (1) the nature of water quality repair, restoration,  
22 and rehabilitation activities undertaken by the department;
- 23 (2) the nature of investigative and  
24 information-gathering activities the department may  
25 undertake to evaluate instances of pollution of state waters

1 for purposes of implementing this bill; and  
2 (3) the criteria the department may use to prioritize  
3 use of funds from the water quality rehabilitation account.  
4

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

6 NEW SECTION. **Section 1.** Water quality rehabilitation  
7 account -- use -- criteria. (1) There is a water quality  
8 rehabilitation account within the state special revenue fund  
9 established in 17-2-102.

10 (2) Fines and civil penalties collected for violations  
11 of any provision of this chapter or a rule, permit, effluent  
12 standard, or order issued under the provisions of this  
13 chapter must be deposited in the water quality  
14 rehabilitation account pursuant to 75-5-634. The account is  
15 statutorily appropriated, as provided in 17-7-502, to the  
16 department.

17 (3) The department may spend funds deposited in the  
18 water quality rehabilitation account for the following  
19 purposes:

- 20 (a) to respond to emergency water pollution events,  
21 including spills and accidents, in an effort to repair,  
22 restore, and rehabilitate the affected state waters;
- 23 (b) to repair, restore, and rehabilitate state waters  
24 that are chronically or periodically adversely affected as a  
25 result of past pollution-causing events or activities; and



1 (c) whenever the department discovers or suspects that  
2 a pollution problem exists, to investigate or gather  
3 information that is necessary and appropriate to identify  
4 the existence, nature, origin, and extent of the pollution  
5 and to identify an appropriate response.

6 (4) The department may draw upon the account in order  
7 to take action under subsection (3) only if:

8 (a) (i) an emergency water pollution event has occurred  
9 and the department is either unable to identify a  
10 responsible party or the responsible party fails to repair,  
11 restore, or rehabilitate the adversely affected state waters  
12 in a timely manner; and

13 (ii) the department determines that prompt action is  
14 necessary to protect public health, minimize the extent of  
15 environmental damage, or minimize the overall economic cost  
16 of appropriately responding to the emergency situation; or

17 (b) the department has made diligent, good faith  
18 efforts to determine the identity of the person responsible  
19 for pollution resulting from past events or activities and  
20 has been unable to identify the person or take enforcement  
21 action as provided in Title 75, chapter 5, part 6.

22 **Section 2.** Section 17-7-502, MCA, is amended to read:

23 "17-7-502. Statutory appropriations -- definition --  
24 requisites for validity. (1) A statutory appropriation is an  
25 appropriation made by permanent law that authorizes spending

1 by a state agency without the need for a biennial  
2 legislative appropriation or budget amendment.

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

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

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

11 (3) The following laws are the only laws containing  
12 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
13 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
14 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
15 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;  
16 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
17 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;  
18 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;  
19 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
20 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;  
21 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;  
22 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;  
23 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;  
24 and section 13, House Bill No. 861, Laws of 1985; and  
25 [section 1].

1 (4) There is a statutory appropriation to pay the  
 2 principal, interest, premiums, and costs of issuing, paying,  
 3 and securing all bonds, notes, or other obligations, as due,  
 4 that have been authorized and issued pursuant to the laws of  
 5 Montana. Agencies that have entered into agreements  
 6 authorized by the laws of Montana to pay the state  
 7 treasurer, for deposit in accordance with 17-2-101 through  
 8 17-2-107, as determined by the state treasurer, an amount  
 9 sufficient to pay the principal and interest as due on the  
 10 bonds or notes have statutory appropriation authority for  
 11 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
 12 664, L. 1987, the inclusion of 39-71-2504 terminates June  
 13 30, 1991.)"

14 **Section 3.** Section 75-5-634, MCA, is amended to read:

15 "75-5-634. Fines--to-go-to-general-fund Disposition of  
 16 finances and civil penalties. Fines (1) Except as provided in  
 17 subsections (2) and (3), fines and civil penalties  
 18 collected, except those collected in a justice's court,  
 19 shall ~~must~~ be deposited to-the-state-general-fund into the  
 20 water quality rehabilitation account provided in [section  
 21 1].

22 (2) A maximum of \$20,000 in fines and civil penalties  
 23 may be deposited in the water quality rehabilitation account  
 24 in any fiscal year. Fines and penalties in excess of \$20,000  
 25 must be deposited in the general fund.

1 (3) Whenever the amount of money in the water quality  
 2 rehabilitation account exceeds \$100,000, all subsequent  
 3 finances and civil penalties must be deposited in the general  
 4 fund."

5 **Section 4.** Section 75-5-635, MCA, is amended to read:

6 "75-5-635. Costs and expenses -- recovery by department  
 7 -- deposit in water quality rehabilitation account. (1) In a  
 8 civil action initiated by the department under this chapter,  
 9 the department may ask for and the court is authorized to  
 10 assess a violator for the cost of the investigation or  
 11 monitoring survey which led to the establishment of the  
 12 violation and any expense incurred by the state in removing,  
 13 correcting, or terminating any of the adverse effects upon  
 14 water quality resulting from the unauthorized discharge of  
 15 pollutants.

16 (2) Any costs and expenses recovered by the department  
 17 under subsection (1) for actions that the department  
 18 financed with money from the water quality rehabilitation  
 19 account authorized in [section 1] must be deposited in the  
 20 water quality rehabilitation account."

21 **NEW SECTION. Section 5.** Codification instruction.

22 [Section 1] is intended to be codified as an integral part  
 23 of Title 75, chapter 5, part 5, and the provisions of Title  
 24 75, chapter 5, part 5, apply to [section 1].

25 **NEW SECTION. Section 6.** Effective date. [This act] is

LC 0504/01

1 effective July 1, 1981.

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0414, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

A bill establishing a water quality rehabilitation account; requiring that fines and civil penalties collected for violations of title 75, chapter 5, MCA, be deposited in the water quality rehabilitation account; providing for a statutory appropriation of the account to the Department of Health and Environmental Sciences; requiring that certain costs and expenses recovered by the department for actions financed by the water quality rehabilitation account be deposited in the account.

ASSUMPTIONS:


1. The amount of fines that will be collected in FY92 and FY93 cannot be reliably estimated. In FY90, \$39,500 in fines was collected and deposited to the general fund. For purposes of this fiscal note, it is assumed that at least \$20,000 would be collected in FY92 and in FY93.
2. The amount of expenditures from the water quality rehabilitation account that would be recovered cannot be reliably estimated. For purposes of this fiscal note, it is assumed that 50% of expenditures from the account would be recovered one year after the funds are expended.
3. Total expenditures would not change. Cleanup expenditures and cost recoveries, up to the maximum of revenues available to the water quality rehabilitation fund, would be diverted from the environmental quality protection fund (EQPF).


FISCAL IMPACT:

Department of Health and Environmental Sciences:

Revenues:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
General Fund (01)	20,000	0	(20,000)	20,000	0	(20,000)
Water Qual. Acct. (02)	0	20,000	20,000	0	30,000	30,000
EQPF (02)	<u>0</u>	<u>0</u>	<u>0</u>	<u>10,000</u>	<u>0</u>	<u>(10,000)</u>
Total	20,000	20,000	0	30,000	30,000	0

  
 \_\_\_\_\_  
 ROD SUNDSTED, BUDGET DIRECTOR      DATE 2-4-91  
 Office of Budget and Program Planning

  
 \_\_\_\_\_  
 BEN COHEN, PRIMARY SPONSOR      DATE 2/5/91  
 Fiscal Note for HB0414, as introduced.      **HB 414**

APPROVED BY COMM. ON  
NATURAL RESOURCES

HOUSE BILL NO. 414  
INTRODUCED BY COHEN

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A WATER QUALITY REHABILITATION ACCOUNT; REQUIRING THAT FINES AND CIVIL PENALTIES COLLECTED FOR VIOLATIONS OF TITLE 75, CHAPTER 5, MCA, BE DEPOSITED IN THE WATER QUALITY REHABILITATION ACCOUNT; PROVIDING FOR A STATUTORY APPROPRIATION OF THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; REQUIRING THAT CERTAIN COSTS AND EXPENSES RECOVERED BY THE DEPARTMENT FOR ACTIONS FINANCED BY THE WATER QUALITY REHABILITATION ACCOUNT BE DEPOSITED IN THE ACCOUNT; AMENDING SECTIONS 17-7-502, 75-5-634, AND 75-5-635, MCA; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill in order to provide guidance to the department of health and environmental sciences concerning its authority to make rules on the following subjects:

(1) the nature of WATER POLLUTION PREVENTION AND water quality repair, restoration, and rehabilitation activities undertaken by the department;

(2) the nature of investigative and information-gathering activities the department may

undertake to evaluate instances of pollution of state waters for purposes of implementing this bill; and

(3) the criteria the department may use to prioritize use of funds from the water quality rehabilitation account.

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

NEW SECTION. **Section 1. Water quality rehabilitation account -- use -- criteria.** (1) There is a water quality rehabilitation account within the state special revenue fund established in 17-2-102.

(2) Fines and civil penalties collected for violations of any provision of this chapter or a rule, permit, effluent standard, or order issued under the provisions of this chapter must be deposited in the water quality rehabilitation account pursuant to 75-5-634. The account is statutorily appropriated, as provided in 17-7-502, to the department.

(3) The department may spend funds deposited in the water quality rehabilitation account for the following purposes:

(A) TO RESPOND IF WASTES HAVE BEEN PLACED IN A LOCATION WHERE THEY ARE LIKELY TO CAUSE POLLUTION OF STATE WATERS;

~~(A)~~(B) to respond to emergency water pollution events, including spills and accidents, in an effort to repair, restore, and rehabilitate the affected state waters;

SECOND READING





1        ~~(b)~~(C) to repair, restore, and rehabilitate state  
 2 waters that are chronically or periodically adversely  
 3 affected as a result of past pollution-causing events or  
 4 activities; and

5        ~~(c)~~(D) whenever the department discovers or suspects  
 6 that a pollution problem exists, to investigate or gather  
 7 information that is necessary and appropriate to identify  
 8 the existence, nature, origin, and extent of the pollution  
 9 and to identify an appropriate response.

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 15 department is either unable to identify a responsible party  
 16 or the responsible party fails to CLEAN UP THE WASTES OR TO  
 17 repair, restore, or rehabilitate the adversely affected  
 18 state waters in a timely manner; and

19        (ii) the department determines that prompt action is  
 20 necessary to PREVENT POLLUTION OF STATE WATERS, protect  
 21 public health, minimize the extent of environmental damage,  
 22 or minimize the overall economic cost of appropriately  
 23 responding to the emergency situation; or

24        (b) the department has made diligent, good faith  
 25 efforts to determine the identity of the person responsible

1 for pollution resulting from past events or activities and  
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4        **Section 2.** Section 17-7-502, MCA, is amended to read:

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 11 that have been authorized and issued pursuant to the laws of  
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4 (2) A maximum of \$20,000 in fines and civil penalties  
 5 may be deposited in the water quality rehabilitation account  
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 19 violation and any expense incurred by the state in removing,  
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HB 0414/02

1 account authorized in [section 1] must be deposited in the  
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3 NEW SECTION. Section 5. Codification instruction.  
4 [Section 1] is intended to be codified as an integral part  
5 of Title 75, chapter 5, part 5, and the provisions of Title  
6 75, chapter 5, part 5, apply to [section 1].

7 NEW SECTION. Section 6. Effective date. [This act] is  
8 effective July 1, 1991.

-End-

RE-REFERRED AND  
APPROVED BY COMMITTEE  
ON APPROPRIATIONS

HOUSE BILL NO. 414  
INTRODUCED BY COHEN

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SECOND READING



1 (b)(C) to repair, restore, and rehabilitate state  
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3 affected as a result of past pollution-causing events or  
4 activities; and

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6 that a pollution problem exists, to investigate or gather  
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 12 Montana. Agencies that have entered into agreements  
 13 authorized by the laws of Montana to pay the state  
 14 treasurer, for deposit in accordance with 17-2-101 through  
 15 17-2-107, as determined by the state treasurer, an amount  
 16 sufficient to pay the principal and interest as due on the  
 17 bonds or notes have statutory appropriation authority for  
 18 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
 19 664, L. 1987, the inclusion of 39-71-2504 terminates June  
 20 30, 1991.)"

21 **Section 3.** Section 75-5-634, MCA, is amended to read:

22 "75-5-634. ~~Fines--to--go-to-general-fund~~ Disposition of  
 23 finances and civil penalties. Fines (1) Except as provided in  
 24 subsections (2) and (3), fines and civil penalties  
 25 collected, except those collected in a justice's court,

1 ~~shall must~~ be deposited ~~to-the-state-general-fund~~ into the  
 2 water quality rehabilitation account provided in [section  
 3 1].

4 (2) A maximum of \$20,000 in fines and civil penalties  
 5 may be deposited in the water quality rehabilitation account  
 6 in any fiscal year. Fines and penalties in excess of \$20,000  
 7 must be deposited in the general fund.

8 (3) Whenever the amount of money in the water quality  
 9 rehabilitation account exceeds \$100,000, all subsequent  
 10 fines and civil penalties must be deposited in the general  
 11 fund."

12 **Section 4.** Section 75-5-635, MCA, is amended to read:

13 "75-5-635. Costs and expenses -- recovery by department  
 14 -- deposit in water quality rehabilitation account. (1) In a  
 15 civil action initiated by the department under this chapter,  
 16 the department may ask for and the court is authorized to  
 17 assess a violator for the cost of the investigation or  
 18 monitoring survey which led to the establishment of the  
 19 violation and any expense incurred by the state in removing,  
 20 correcting, or terminating any of the adverse effects upon  
 21 water quality resulting from the unauthorized discharge of  
 22 pollutants.

23 (2) Any costs and expenses recovered by the department  
 24 under subsection (1) for actions that the department  
 25 financed with money from the water quality rehabilitation

1 account authorized in [section 1] must be deposited in the  
2 water quality rehabilitation account."

3 NEW SECTION. Section 5. Codification instruction.  
4 [Section 1] is intended to be codified as an integral part  
5 of Title 75, chapter 5, part 5, and the provisions of Title  
6 75, chapter 5, part 5, apply to [section 1].

7 NEW SECTION. Section 6. Effective date. [This act] is  
8 effective July 1, 1991.

-End-

## 1 HOUSE BILL NO. 414

2 INTRODUCED BY COHEN

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A WATER  
5 QUALITY REHABILITATION ACCOUNT; REQUIRING THAT FINES AND  
6 CIVIL PENALTIES COLLECTED FOR VIOLATIONS OF TITLE 75,  
7 CHAPTER 5, MCA, BE DEPOSITED IN THE WATER QUALITY  
8 REHABILITATION ACCOUNT; PROVIDING FOR A STATUTORY  
9 APPROPRIATION OF THE ACCOUNT TO THE DEPARTMENT OF HEALTH AND  
10 ENVIRONMENTAL SCIENCES; REQUIRING THAT CERTAIN COSTS AND  
11 EXPENSES RECOVERED BY THE DEPARTMENT FOR ACTIONS FINANCED BY  
12 THE WATER QUALITY REHABILITATION ACCOUNT BE DEPOSITED IN THE  
13 ACCOUNT; AMENDING SECTIONS 17-7-502, 75-5-634, AND 75-5-635,  
14 MCA; AND PROVIDING AN EFFECTIVE DATE."

15  
16 STATEMENT OF INTENT

17 A statement of intent is required for this bill in order  
18 to provide guidance to the department of health and  
19 environmental sciences concerning its authority to make  
20 rules on the following subjects:

21 (1) the nature of WATER POLLUTION PREVENTION AND water  
22 quality repair, restoration, and rehabilitation activities  
23 undertaken by the department;

24 (2) the nature of investigative and  
25 information-gathering activities the department may

1 undertake to evaluate instances of pollution of state waters  
2 for purposes of implementing this bill; and

3 (3) the criteria the department may use to prioritize  
4 use of funds from the water quality rehabilitation account.  
5

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

7 NEW SECTION. Section 1. Water quality rehabilitation  
8 account -- use -- criteria. (1) There is a water quality  
9 rehabilitation account within the state special revenue fund  
10 established in 17-2-102.

11 (2) Fines and civil penalties collected for violations  
12 of any provision of this chapter or a rule, permit, effluent  
13 standard, or order issued under the provisions of this  
14 chapter must be deposited in the water quality  
15 rehabilitation account pursuant to 75-5-634. The account is  
16 statutorily appropriated, as provided in 17-7-502, to the  
17 department.

18 (3) The department may spend funds deposited in the  
19 water quality rehabilitation account for the following  
20 purposes:

21 (A) TO RESPOND IF WASTES HAVE BEEN PLACED IN A LOCATION  
22 WHERE THEY ARE LIKELY TO CAUSE POLLUTION OF STATE WATERS;

23 (B) to respond to emergency water pollution events,  
24 including spills and accidents, in an effort to repair,  
25 restore, and rehabilitate the affected state waters;

THIRD READING



1       **(b)(C)** to repair, restore, and rehabilitate state  
2 waters that are chronically or periodically adversely  
3 affected as a result of past pollution-causing events or  
4 activities; and

5       **(c)(D)** whenever the department discovers or suspects  
6 that a pollution problem exists, to investigate or gather  
7 information that is necessary and appropriate to identify  
8 the existence, nature, origin, and extent of the pollution  
9 and to identify an appropriate response.

10       (4) The department may draw upon the account in order  
11 to take action under subsection (3) only if:

12       (a) (i) WASTES HAVE BEEN PLACED IN A LOCATION WHERE  
13 THEY ARE LIKELY TO CAUSE POLLUTION OF STATE WATERS OR an  
14 emergency water pollution event has occurred and the  
15 department is either unable to identify a responsible party  
16 or the responsible party fails to CLEAN UP THE WASTES OR TO  
17 repair, restore, or rehabilitate the adversely affected  
18 state waters in a timely manner; and

19       (ii) the department determines that prompt action is  
20 necessary to PREVENT POLLUTION OF STATE WATERS, protect  
21 public health, minimize the extent of environmental damage,  
22 or minimize the overall economic cost of appropriately  
23 responding to the emergency situation; or

24       (b) the department has made diligent, good faith  
25 efforts to determine the identity of the person responsible

1 for pollution resulting from past events or activities and  
2 has been unable to identify the person or take enforcement  
3 action as provided in Title 75, chapter 5, part 6.

4       **Section 2.** Section 17-7-502, MCA, is amended to read:

5       "17-7-502. Statutory appropriations -- definition --  
6 **requisites for validity.** (1) A statutory appropriation is an  
7 appropriation made by permanent law that authorizes spending  
8 by a state agency without the need for a biennial  
9 legislative appropriation or budget amendment.

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

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

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

18       (3) The following laws are the only laws containing  
19 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
20 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;  
21 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;  
22 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;  
23 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;  
24 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;  
25 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;

1 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;  
 2 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;  
 3 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;  
 4 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;  
 5 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;  
 6 and section 13, House Bill No. 861, Laws of 1985; and  
 7 [section 1].

8 (4) There is a statutory appropriation to pay the  
 9 principal, interest, premiums, and costs of issuing, paying,  
 10 and securing all bonds, notes, or other obligations, as due,  
 11 that have been authorized and issued pursuant to the laws of  
 12 Montana. Agencies that have entered into agreements  
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 14 treasurer, for deposit in accordance with 17-2-101 through  
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 16 sufficient to pay the principal and interest as due on the  
 17 bonds or notes have statutory appropriation authority for  
 18 such payments. (In subsection (3), pursuant to sec. 10, Ch.  
 19 664, L. 1987, the inclusion of 39-71-2504 terminates June  
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21 **Section 3.** Section 75-5-634, MCA, is amended to read:

22 "~~75-5-634. Fines--to--go-to-general-fund~~ Disposition of  
 23 finances and civil penalties. Fines (1) Except as provided in  
 24 subsections (2) and (3), fines and civil penalties  
 25 collected, except those collected in a justice's court,

1 ~~shall~~ must be deposited to-the-state-general-fund into the  
 2 water quality rehabilitation account provided in [section  
 3 1].

4 (2) A maximum of \$20,000 in fines and civil penalties  
 5 may be deposited in the water quality rehabilitation account  
 6 in any fiscal year. Fines and penalties in excess of \$20,000  
 7 must be deposited in the general fund.

8 (3) Whenever the amount of money in the water quality  
 9 rehabilitation account exceeds \$100,000, all subsequent  
 10 finances and civil penalties must be deposited in the general  
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12 **Section 4.** Section 75-5-635, MCA, is amended to read:

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 19 ~~violation and any expense incurred by the state in removing,~~  
 20 ~~correcting, or terminating any of the adverse effects upon~~  
 21 ~~water quality resulting from the unauthorized discharge of~~  
 22 ~~pollutants.~~

23 (2) Any costs and expenses recovered by the department  
 24 under subsection (1) for actions that the department  
 25 financed with money from the water quality rehabilitation

1 account authorized in [section 1] must be deposited in the  
2 water quality rehabilitation account."

3 NEW SECTION. Section 5. Codification instruction.  
4 [Section 1] is intended to be codified as an integral part  
5 of Title 75, chapter 5, part 5, and the provisions of Title  
6 75, chapter 5, part 5, apply to [section 1].

7 NEW SECTION. Section 6. Effective date. [This act] is  
8 effective July 1, 1991.

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1 HOUSE BILL NO. 414  
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3  
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5 QUALITY REHABILITATION ACCOUNT; REQUIRING THAT FINES AND  
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24 including spills and accidents, in an effort to repair,  
25 restore, and rehabilitate the affected state waters;

REFERENCE BILL  
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1 (b)(C) to repair, restore, and rehabilitate state  
 2 waters that are chronically or periodically adversely  
 3 affected as a result of past pollution-causing events or  
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 6 that a pollution problem exists, to investigate or gather  
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 17 assess a violator for the cost of the investigation or  
 18 monitoring survey which led to the establishment of the  
 19 violation and any expense incurred by the state in removing,  
 20 correcting, or terminating any of the adverse effects upon  
 21 water quality resulting from the unauthorized discharge of  
 22 pollutants.

23 (2) Any costs and expenses recovered by the department  
 24 under subsection (1) for actions that the department  
 25 financed with money from the water quality rehabilitation

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1 account authorized in [section 1] must be deposited in the  
2 water quality rehabilitation account."

3 NEW SECTION. Section 5. Codification instruction.  
4 [Section 1] is intended to be codified as an integral part  
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6 75, chapter 5, part 5, apply to [section 1].

7 NEW SECTION. Section 6. Effective date. [This act] is  
8 effective July 1, 1991.

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