

SENATE BILL NO. 94

INTRODUCED BY T. BECK, GILBERT, DRISCOLL, HARP,
RANEY, YELLOWTAIL, WEEDING, GRADY
BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

IN THE SENATE

JANUARY 15, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

 FIRST READING.

FEBRUARY 14, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 15, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

FEBRUARY 16, 1991 ENGROSSING REPORT.

 THIRD READING, PASSED.
AYES, 44; NOES, 4.

 TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 16, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON NATURAL RESOURCES.

FEBRUARY 18, 1991 FIRST READING.

MARCH 13, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

MARCH 14, 1991 ON MOTION, TAKEN FROM SECOND READING
AND REREFERRED TO COMMITTEE
ON TAXATION.

APRIL 13, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 15, 1991 SECOND READING, CONCURRED IN.

APRIL 16, 1991 THIRD READING, CONCURRED IN.
AYES, 79; NOES, 20.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 16, 1991

RECEIVED FROM HOUSE.

APRIL 17, 1991

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE
REQUESTED.

APRIL 18, 1991

CONFERENCE COMMITTEE APPOINTED.

IN THE HOUSE

APRIL 19, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 22, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 22, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 23, 1991

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 24, 1991

ON MOTION, FREE CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 25, 1991

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 25, 1991

FREE CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 25, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Source* BILL NO. *94* *Raney*
 2 INTRODUCED BY *Beck* *Deibert* *Wesley* *Hardy*
 3 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL *Dredy*
 4 *Yellowtail Meeting*

5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A GROUND WATER
 6 MONITORING PROGRAM AND A GROUND WATER CHARACTERIZATION
 7 PROGRAM; ESTABLISHING A GROUND WATER ASSESSMENT ACCOUNT;
 8 ESTABLISHING A GROUND WATER ASSESSMENT STEERING COMMITTEE;
 9 DIRECTING THE MONTANA BUREAU OF MINES AND GEOLOGY TO
 10 ADMINISTER THE PROGRAMS; AND PROVIDING AN EFFECTIVE DATE."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 NEW SECTION. Section 1. Short title. {Sections 1
 14 through 6} may be cited as the "Montana Ground Water
 15 Assessment Act".

16 NEW SECTION. Section 2. Findings and purpose. (1) The
 17 legislature finds that:

- 18 (a) Montana's citizens depend on ground water for a
- 19 variety of uses, including domestic, agricultural,
- 20 industrial, irrigation, mining, municipal, power, and
- 21 recreation, and for maintenance of ecosystems and surface
- 22 water supplies;
- 23 (b) ground water supplies and quality are threatened by
- 24 a variety of contaminant sources;
- 25 (c) there is insufficient information characterizing

1 the volume, quality, and flow patterns of the state's ground
 2 water;

3 (d) ground water information deficiencies are hampering
 4 the efforts of citizens and units of government to properly
 5 manage, protect, and develop ground water;

6 (e) government policies and programs should focus on
 7 preventing ground water contamination and supply depletion,
 8 but in order for preventive policies and programs to be
 9 effective, better ground water information is required; and

10 (f) there is a need for better coordination among those
 11 numerous units of state, federal, and local government with
 12 responsibility for ground water management, protection, and
 13 development.

14 (2) The purposes of [sections 1 through 6] are:

15 (a) to improve the quality of ground water management,
 16 protection, and development decisions within the public and
 17 private sectors by establishing a program to systematically
 18 assess and monitor the state's ground water and to
 19 disseminate the information to interested persons; and

20 (b) to improve coordination of ground water management,
 21 protection, development, and research functions among units
 22 of state, federal, and local government by establishing a
 23 ground water assessment steering committee.

24 NEW SECTION. Section 3. Definitions. As used in
 25 [sections 1 through 6], the following definitions apply:



1 (1) "Aquifer" means a water-bearing, subsurface
2 formation capable of yielding sufficient quantities of water
3 to a well for a beneficial use.

4 (2) "Ground water assessment steering committee" means
5 the committee established by [section 7].

6 (3) "Ground water characterization program" means a
7 program to systematically assess and document the
8 hydrogeology and quality of the state's major aquifers.

9 (4) "Ground water characterization study" means the
10 assessment of individual aquifers in specific areas within
11 the state.

12 (5) "Ground water monitoring program" means a program
13 to produce and maintain a long-term record of ground water
14 chemistry and water level changes, based on information
15 collected from a statewide network of observation wells.

16 NEW SECTION. Section 4. Ground water assessment
17 account. (1) There is a ground water assessment account
18 within the state special revenue fund established in
19 17-2-102. The Montana bureau of mines and geology is
20 authorized to expend amounts from the account necessary to
21 carry out the purposes of [sections 1 through 6].

22 (2) The account may be used by the Montana bureau of
23 mines and geology only to carry out the provisions of
24 [sections 1 through 6].

25 (3) Subject to the direction of the ground water

1 assessment steering committee, the Montana bureau of mines
2 and geology shall investigate opportunities for the
3 participation and financial contribution of agencies of
4 federal and local governments to accomplish the purposes of
5 [sections 1 through 6].

6 (4) There must be deposited in the account:

7 (a) on July 1, 1991, and at the beginning of each
8 succeeding fiscal year, 14.1% of the proceeds from the
9 resource indemnity and ground water assessment tax as
10 authorized by [LC 787], unless at the beginning of the
11 fiscal year the unobligated cash balance in the ground water
12 assessment account:

13 (i) equals or exceeds \$666,000, in which case no
14 allocation will be made and the funds must be deposited in
15 the resource indemnity trust fund established by 15-38-201;
16 or

17 (ii) is less than \$666,000, in which case an amount
18 equal to the difference between the unobligated cash balance
19 and \$666,000 must be allocated to the ground water
20 assessment account and any remaining amount must be
21 deposited in the resource indemnity trust fund established
22 by 15-38-201;

23 (b) funds provided by federal or state government
24 agencies and by local governments to carry out the purposes
25 of [sections 1 through 6]; and

1 (c) funds provided by any other public or private
2 sector organization or person in the form of gifts, grants,
3 or contracts specifically designated to carry out the
4 purposes of [sections 1 through 6].

5 NEW SECTION. Section 5. Ground water characterization
6 program -- ground water monitoring program. (1) There is a
7 ground water characterization program and a ground water
8 monitoring program.

9 (2) Subject to the direction of the ground water
10 assessment steering committee, the Montana bureau of mines
11 and geology shall establish and administer the ground water
12 characterization program and the ground water monitoring
13 program.

14 (3) The Montana bureau of mines and geology shall work
15 with units of local government, ground water users, and
16 other affected organizations and individuals in areas of the
17 state that are included in a ground water characterization
18 study and, if warranted by the level of local interest in a
19 ground water characterization study, shall establish a local
20 ground water assessment advisory committee.

21 (4) The ground water assessment steering committee
22 created by [section 7] shall:

23 (a) oversee expenditures from the ground water
24 assessment account and organization plans and work plans
25 proposed by the Montana bureau of mines and geology to

1 implement the ground water characterization and ground water
2 monitoring programs, including plans for local involvement
3 and participation in ground water characterization studies;

4 (b) approve ground water monitoring sites;

5 (c) prioritize and select ground water characterization
6 study areas;

7 (d) develop plans for ground water information
8 management and dissemination;

9 (e) develop plans for integrating existing ground water
10 information with information collected under the programs
11 created by subsection (1);

12 (f) coordinate ground water information collection
13 projects sponsored by individual units of state, federal, or
14 local government with the programs created by subsection
15 (1); and

16 (g) evaluate reports and other information produced by
17 the Montana bureau of mines and geology from ground water
18 characterization studies.

19 (5) The ground water assessment steering committee
20 shall invite representatives of local governments and Indian
21 tribes with jurisdiction over areas of the state that are
22 included in an active ground water characterization study or
23 in a study scheduled to begin in the ensuing biennium, as
24 well as affected citizens in these areas, to participate in
25 steering committee meetings.

1 NEW SECTION. **Section 6.** Ground water information

2 collection by local governments. Units of local government
3 may conduct ground water information collection projects in
4 advance of ground water characterization studies conducted
5 under the program created by [section 5(1)]. Local
6 governments shall consult with the Montana bureau of mines
7 and geology in designing local ground water information
8 collection projects and studies and, subject to local
9 funding availability, shall conduct the local projects and
10 studies to produce information that is compatible with the
11 type of information produced by the ground water
12 characterization program.

13 NEW SECTION. **Section 7.** Ground water assessment

14 steering committee. (1) There is a ground water assessment
15 steering committee consisting of an employee of each of the
16 following state agencies having responsibility for ground
17 water protection, management, or information who must be
18 appointed by the head of the respective state agency:

19 (a) the department of natural resources and
20 conservation;

21 (b) the department of health and environmental
22 sciences;

23 (c) the department of agriculture;

24 (d) the department of state lands; and

25 (e) the Montana state library, natural resource

1 information system.

2 (2) The ground water assessment steering committee may
3 include representatives of the following agencies and units
4 of government with expertise or management responsibility
5 related to ground water and representatives of the
6 organizations and groups specified in subsection (2)(g), who
7 shall serve as ex officio members:

8 (a) the environmental quality council;

9 (b) the Montana bureau of mines and geology;

10 (c) a representative from a unit of the university
11 system, other than the Montana bureau of mines and geology,
12 appointed by the board of regents of higher education for
13 the Montana university system;

14 (d) a county government, appointed by an organization
15 of Montana counties;

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

18 (f) each principal federal agency having responsibility
19 for ground water protection, management, or research,
20 appointed by the Montana head of the respective federal
21 agency; and

22 (g) one representative of each of the following,
23 appointed by the governor:

24 (i) agricultural water users;

25 (ii) industrial water users; and

1 (iii) a conservation or ecological protection
2 organization.

3 (3) The ground water assessment steering committee
4 shall elect a chairman from its voting members.

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

7 NEW SECTION. Section 8. Codification instructions. (1)
8 [Sections 1 through 6] are intended to be codified as an
9 integral part of Title 85, chapter 2, and the provisions of
10 Title 85, chapter 2, apply to [sections 1 through 6].

11 (2) [Section 7] is intended to be codified as an
12 integral part of Title 2, chapter 15, part 15, and the
13 provisions of Title 2, chapter 15, part 15, apply to
14 [section 7].

15 NEW SECTION. Section 9. Coordination instruction. If
16 [LC 787] is not passed and approved, [section 4(4)(a)] is
17 void.

18 NEW SECTION. Section 10. Effective date. [This act] is
19 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0094, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a ground water monitoring program and a ground water characterization program; establishing a ground water assessment account; establishing a ground water assessment steering committee; directing the Montana Bureau of Mines and Geology to administer the programs; and providing an effective date.


ASSUMPTIONS:

Montana Bureau of Mines and Geology

	<u>FY 92</u>	<u>FY 93</u>
1. Ground Water Assessment, Characterization and Evaluation - Estimated Costs		
Personal Services	213,010	213,010
Operating Expenses	225,600	225,600
Capital Outlays	<u>8,000</u>	<u>8,000</u>
Total	446,610	446,610
2. Ground Water Monitoring Program - Estimated Costs		
Personal Services	85,937	85,937
Operating Expenses	139,839	121,839
Capital Outlays	<u>4,560</u>	<u>400</u>
Total	230,336	208,176

FISCAL IMPACT:

see next page

 1-19-91
 ROD SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

4/24/91 
 THOMAS A. (TOM) BECK, PRIMARY SPONSOR DATE

Fiscal Note for SB0094, as introduced

SB 94

FISCAL IMPACT:

Revenues:

The proposal, by itself, does not impact the revenue or distribution of the resource indemnity trust tax (RITT).

Expenditures:

Montana Bureau of Mines and Geology

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Personal Services	0	298,947	298,947	0	298,947	298,947
Operating Expenses	0	365,439	365,439	0	347,439	347,439
Capital Outlays	0	<u>12,560</u>	<u>12,560</u>	0	<u>8,400</u>	<u>8,400</u>
Total	0	676,946	676,946	0	654,786	654,786

Funding:

Ground Water Assessment Account (02)	0	676,946	676,946	0	654,786	654,786
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TECHNICAL NOTES:

The fiscal note only presents the program costs associated with this proposal. This bill was drafted in conjunction with LC 787, which has not been formally introduced. The revenue impact for both SB 94 and LC 787 will be prepared on the fiscal note for LC 787 when it is requested.

Section 4 (4) (a) (ii) does not include a revenue source to fund the proposed ground water assessment account.

APPROVED BY COMM. ON
NATURAL RESOURCES

SENATE BILL NO. 94

INTRODUCED BY T. BECK, GILBERT, DRISCOLL, HARP,

RANEY, YELLOWTAIL, WEEDING, GRADY

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A GROUND WATER
MONITORING PROGRAM AND A GROUND WATER CHARACTERIZATION
PROGRAM; ESTABLISHING A GROUND WATER ASSESSMENT ACCOUNT;
ESTABLISHING A GROUND WATER ASSESSMENT STEERING COMMITTEE;
DIRECTING THE MONTANA BUREAU OF MINES AND GEOLOGY TO
ADMINISTER THE PROGRAMS; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Short title. [Sections 1
through 6] may be cited as the "Montana Ground Water
Assessment Act".

NEW SECTION. Section 2. Findings and purpose. (1) The
legislature finds that:

(a) Montana's citizens depend on ground water for a
variety of uses, including domestic, agricultural,
industrial, irrigation, mining, municipal, power, and
recreation, and for maintenance of ecosystems and surface
water supplies;

(b) ground water supplies and quality are threatened by
a variety of contaminant sources;

(c) there is insufficient information characterizing
the volume, quality, and flow patterns of the state's ground
water;

(d) ground water information deficiencies are hampering
the efforts of citizens and units of government to properly
manage, protect, and develop ground water;

(e) government policies and programs should focus on
preventing ground water contamination and supply depletion,
but in order for preventive policies and programs to be
effective, better ground water information is required; and

(f) there is a need for better coordination among those
numerous units of state, federal, and local government with
responsibility for ground water management, protection, and
development.

(2) The purposes of [sections 1 through 6] are:

(a) to improve the quality of ground water management,
protection, and development decisions within the public and
private sectors by establishing a program to systematically
assess and monitor the state's ground water and to
disseminate the information to interested persons; and

(b) to improve coordination of ground water management,
protection, development, and research functions among units
of state, federal, and local government by establishing a
ground water assessment steering committee.

NEW SECTION. Section 3. Definitions. As used in

SECOND READING



1 [sections 1 through 6], the following definitions apply:

2 (1) "Aquifer" means a water-bearing, subsurface
3 formation capable of yielding sufficient quantities of water
4 to a well for a beneficial use.

5 (2) "Ground water assessment steering committee" means
6 the committee established by [section 7].

7 (3) "Ground water characterization program" means a
8 program to systematically assess and document the
9 hydrogeology and quality of the state's major aquifers.

10 (4) "Ground water characterization study" means the
11 assessment of individual aquifers in specific areas within
12 the state.

13 (5) "Ground water monitoring program" means a program
14 to produce and maintain a long-term record of ground water
15 chemistry and water level changes, based on information
16 collected from a statewide network of observation wells.

17 **NEW SECTION. Section 4. Ground water assessment**
18 **account.** (1) There is a ground water assessment account
19 within the state special revenue fund established in
20 17-2-102. The Montana bureau of mines and geology is
21 authorized to expend amounts from the account necessary to
22 carry out the purposes of [sections 1 through 6].

23 (2) The account may be used by the Montana bureau of
24 mines and geology only to carry out the provisions of
25 [sections 1 through 6].

1 (3) Subject to the direction of the ground water
2 assessment steering committee, the Montana bureau of mines
3 and geology shall investigate opportunities for the
4 participation and financial contribution of agencies of
5 federal and local governments to accomplish the purposes of
6 [sections 1 through 6].

7 (4) There must be deposited in the account:

8 (a) on July 1, 1991, and at the beginning of each
9 succeeding fiscal year, 14.1% of the proceeds from the
10 resource indemnity and ground water assessment tax as
11 authorized by [LC 787], unless at the beginning of the
12 fiscal year the unobligated cash balance in the ground water
13 assessment account:

14 (i) equals or exceeds \$666,000, in which case no
15 allocation will be made and the funds must be deposited in
16 the resource indemnity trust fund established by 15-38-201;
17 or

18 (ii) is less than \$666,000, in which case an amount
19 equal to the difference between the unobligated cash balance
20 and \$666,000 must be allocated to the ground water
21 assessment account and any remaining amount must be
22 deposited in the resource indemnity trust fund established
23 by 15-38-201;

24 (b) funds provided by federal or state government
25 agencies and by local governments to carry out the purposes

1 of [sections 1 through 6]; and

2 (c) funds provided by any other public or private
3 sector organization or person in the form of gifts, grants,
4 or contracts specifically designated to carry out the
5 purposes of [sections 1 through 6].

6 **NEW SECTION. Section 5. Ground water characterization**
7 **program -- ground water monitoring program.** (1) There is a
8 ground water characterization program and a ground water
9 monitoring program.

10 (2) Subject to the direction of the ground water
11 assessment steering committee, the Montana bureau of mines
12 and geology shall establish and administer the ground water
13 characterization program and the ground water monitoring
14 program.

15 (3) The Montana bureau of mines and geology shall work
16 with units of local government, ground water users, and
17 other affected organizations and individuals in areas of the
18 state that are included in a ground water characterization
19 study and, if warranted by the level of local interest in a
20 ground water characterization study, shall establish a local
21 ground water assessment advisory committee.

22 (4) The ground water assessment steering committee
23 created by [section 7] shall:

24 (a) oversee expenditures from the ground water
25 assessment account and organization plans and work plans

1 proposed by the Montana bureau of mines and geology to
2 implement the ground water characterization and ground water
3 monitoring programs, including plans for local involvement
4 and participation in ground water characterization studies;

5 (b) approve ground water monitoring sites;

6 (c) prioritize and select ground water characterization
7 study areas;

8 (d) develop plans for ground water information
9 management and dissemination;

10 (e) develop plans for integrating existing ground water
11 information with information collected under the programs
12 created by subsection (1);

13 (f) coordinate ground water information collection
14 projects sponsored by individual units of state, federal, or
15 local government with the programs created by subsection
16 (1); and

17 (g) evaluate reports and other information produced by
18 the Montana bureau of mines and geology from ground water
19 characterization studies.

20 (5) The ground water assessment steering committee
21 shall invite representatives of local governments and Indian
22 tribes with jurisdiction over areas of the state that are
23 included in an active ground water characterization study or
24 in a study scheduled to begin in the ensuing biennium, as
25 well as affected citizens in these areas, to participate in

1 steering committee meetings.

2 NEW SECTION. Section 6. Ground water information
 3 collection by local governments. Units of local government
 4 may conduct ground water information collection projects in
 5 advance of ground water characterization studies conducted
 6 under the program created by [section 5(1)]. Local
 7 governments shall consult with the Montana bureau of mines
 8 and geology in designing local ground water information
 9 collection projects and studies and, subject to local
 10 funding availability, shall conduct the local projects and
 11 studies to produce information that is compatible with the
 12 type of information produced by the ground water
 13 characterization program.

14 NEW SECTION. Section 7. Ground water assessment
 15 steering committee. (1) There is a ground water assessment
 16 steering committee consisting of an employee of each of the
 17 following state agencies having responsibility for ground
 18 water protection, management, or information who must be
 19 appointed by the head of the respective state agency:

- 20 (a) the department of natural resources and
 21 conservation;
 22 (b) the department of health and environmental
 23 sciences;
 24 (c) the department of agriculture;
 25 (d) the department of state lands; and

1 (e) the Montana state library, natural resource
 2 information system.

3 (2) The ground water assessment steering committee may
 4 include representatives of the following agencies and units
 5 of government with expertise or management responsibility
 6 related to ground water and representatives of the
 7 organizations and groups specified in subsection ~~(2)(g)~~
 8 (2)(H), who shall serve as ex officio members:

- 9 (a) the environmental quality council;
 10 (B) THE BOARD OF OIL AND GAS CONSERVATION;
 11 ~~(b)(C)~~ the Montana bureau of mines and geology;
 12 ~~(c)(D)~~ a representative from a unit of the university
 13 system, other than the Montana bureau of mines and geology,
 14 appointed by the board of regents of higher education for
 15 the Montana university system;
 16 ~~(d)(E)~~ a county government, appointed by an
 17 organization of Montana counties;
 18 ~~(e)(F)~~ a city, town, or city-county government,
 19 appointed by an organization of Montana cities and towns;
 20 ~~(f)(G)~~ each principal federal agency having
 21 responsibility for ground water protection, management, or
 22 research, appointed by the Montana head of the respective
 23 federal agency; and
 24 ~~(g)(H)~~ one representative of each of the following,
 25 appointed by the governor:

1 (i) agricultural water users;
2 (ii) industrial water users; and
3 (iii) a conservation or ecological protection
4 organization.

5 (3) The ground water assessment steering committee
6 shall elect a chairman from its voting members.

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

9 NEW SECTION. **Section 8.** Codification instructions. (1)
10 [Sections 1 through 6] are intended to be codified as an
11 integral part of Title 85, chapter 2, and the provisions of
12 Title 85, chapter 2, apply to [sections 1 through 6].

13 (2) [Section 7] is intended to be codified as an
14 integral part of Title 2, chapter 15, part 15, and the
15 provisions of Title 2, chapter 15, part 15, apply to
16 [section 7].

17 NEW SECTION. **Section 9.** Coordination instruction. If
18 [LC 787] is not passed and approved, [section 4(4)(a)] is
19 void.

20 NEW SECTION. **Section 10.** Effective date. [This act] is
21 effective July 1, 1991.

-End-

1 SENATE BILL NO. 94
 2 INTRODUCED BY T. BECK, GILBERT, DRISCOLL, HARP,
 3 RANEY, YELLOWTAIL, WEEDING, GRADY
 4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A GROUND WATER
 7 MONITORING PROGRAM AND A GROUND WATER CHARACTERIZATION
 8 PROGRAM; ESTABLISHING A GROUND WATER ASSESSMENT ACCOUNT;
 9 ESTABLISHING A GROUND WATER ASSESSMENT STEERING COMMITTEE;
 10 DIRECTING THE MONTANA BUREAU OF MINES AND GEOLOGY TO
 11 ADMINISTER THE PROGRAMS; AND PROVIDING AN EFFECTIVE DATE."

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

14 NEW SECTION. **Section 1.** Short title. [Sections 1
 15 through 6] may be cited as the "Montana Ground Water
 16 Assessment Act".

17 NEW SECTION. **Section 2.** Findings and purpose. (1) The
 18 legislature finds that:

19 (a) Montana's citizens depend on ground water for a
 20 variety of uses, including domestic, agricultural,
 21 industrial, irrigation, mining, municipal, power, and
 22 recreation, and for maintenance of ecosystems and surface
 23 water supplies;

24 (b) ground water supplies and quality are threatened by
 25 a variety of contaminant sources;

1 (c) there is insufficient information characterizing
 2 the volume, quality, and flow patterns of the state's ground
 3 water;

4 (d) ground water information deficiencies are hampering
 5 the efforts of citizens and units of government to properly
 6 manage, protect, and develop ground water;

7 (e) government policies and programs should focus on
 8 preventing ground water contamination and supply depletion,
 9 but in order for preventive policies and programs to be
 10 effective, better ground water information is required; and

11 (f) there is a need for better coordination among those
 12 numerous units of state, federal, and local government with
 13 responsibility for ground water management, protection, and
 14 development.

15 (2) The purposes of [sections 1 through 6] are:

16 (a) to improve the quality of ground water management,
 17 protection, and development decisions within the public and
 18 private sectors by establishing a program to systematically
 19 assess and monitor the state's ground water and to
 20 disseminate the information to interested persons; and

21 (b) to improve coordination of ground water management,
 22 protection, development, and research functions among units
 23 of state, federal, and local government by establishing a
 24 ground water assessment steering committee.

25 NEW SECTION. **Section 3.** Definitions. As used in

THIRD READING



1 [sections 1 through 6], the following definitions apply:

2 (1) "Aquifer" means a water-bearing, subsurface
3 formation capable of yielding sufficient quantities of water
4 to a well for a beneficial use.

5 (2) "Ground water assessment steering committee" means
6 the committee established by [section 7].

7 (3) "Ground water characterization program" means a
8 program to systematically assess and document the
9 hydrogeology and quality of the state's major aquifers.

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11 assessment of individual aquifers in specific areas within
12 the state.

13 (5) "Ground water monitoring program" means a program
14 to produce and maintain a long-term record of ground water
15 chemistry and water level changes, based on information
16 collected from a statewide network of observation wells.

17 NEW SECTION. Section 4. Ground water assessment
18 account. (1) There is a ground water assessment account
19 within the state special revenue fund established in
20 17-2-102. The Montana bureau of mines and geology is
21 authorized to expend amounts from the account necessary to
22 carry out the purposes of [sections 1 through 6].

23 (2) The account may be used by the Montana bureau of
24 mines and geology only to carry out the provisions of
25 [sections 1 through 6].

1 (3) Subject to the direction of the ground water
2 assessment steering committee, the Montana bureau of mines
3 and geology shall investigate opportunities for the
4 participation and financial contribution of agencies of
5 federal and local governments to accomplish the purposes of
6 [sections 1 through 6].

7 (4) There must be deposited in the account:

8 (a) on July 1, 1991, and at the beginning of each
9 succeeding fiscal year, 14.1% of the proceeds from the
10 resource indemnity and ground water assessment tax as
11 authorized by [LC 787], unless at the beginning of the
12 fiscal year the unobligated cash balance in the ground water
13 assessment account:

14 (i) equals or exceeds \$666,000, in which case no
15 allocation will be made and the funds must be deposited in
16 the resource indemnity trust fund established by 15-38-201;
17 or

18 (ii) is less than \$666,000, in which case an amount
19 equal to the difference between the unobligated cash balance
20 and \$666,000 must be allocated to the ground water
21 assessment account and any remaining amount must be
22 deposited in the resource indemnity trust fund established
23 by 15-38-201;

24 (b) funds provided by federal or state government
25 agencies and by local governments to carry out the purposes

1 of [sections 1 through 6]; and

2 (c) funds provided by any other public or private
3 sector organization or person in the form of gifts, grants,
4 or contracts specifically designated to carry out the
5 purposes of [sections 1 through 6].

6 NEW SECTION. Section 5. Ground water characterization
7 program -- ground water monitoring program. (1) There is a
8 ground water characterization program and a ground water
9 monitoring program.

10 (2) Subject to the direction of the ground water
11 assessment steering committee, the Montana bureau of mines
12 and geology shall establish and administer the ground water
13 characterization program and the ground water monitoring
14 program.

15 (3) The Montana bureau of mines and geology shall work
16 with units of local government, ground water users, and
17 other affected organizations and individuals in areas of the
18 state that are included in a ground water characterization
19 study and, if warranted by the level of local interest in a
20 ground water characterization study, shall establish a local
21 ground water assessment advisory committee.

22 (4) The ground water assessment steering committee
23 created by [section 7] shall:

24 (a) oversee expenditures from the ground water
25 assessment account and organization plans and work plans

1 proposed by the Montana bureau of mines and geology to
2 implement the ground water characterization and ground water
3 monitoring programs, including plans for local involvement
4 and participation in ground water characterization studies;

5 (b) approve ground water monitoring sites;

6 (c) prioritize and select ground water characterization
7 study areas;

8 (d) develop plans for ground water information
9 management and dissemination;

10 (e) develop plans for integrating existing ground water
11 information with information collected under the programs
12 created by subsection (1);

13 (f) coordinate ground water information collection
14 projects sponsored by individual units of state, federal, or
15 local government with the programs created by subsection
16 (1); and

17 (g) evaluate reports and other information produced by
18 the Montana bureau of mines and geology from ground water
19 characterization studies.

20 (5) The ground water assessment steering committee
21 shall invite representatives of local governments and Indian
22 tribes with jurisdiction over areas of the state that are
23 included in an active ground water characterization study or
24 in a study scheduled to begin in the ensuing biennium, as
25 well as affected citizens in these areas, to participate in

1 steering committee meetings.

2 NEW SECTION. Section 6. Ground water information
 3 collection by local governments. Units of local government
 4 may conduct ground water information collection projects in
 5 advance of ground water characterization studies conducted
 6 under the program created by [section 5(1)]. Local
 7 governments shall consult with the Montana bureau of mines
 8 and geology in designing local ground water information
 9 collection projects and studies and, subject to local
 10 funding availability, shall conduct the local projects and
 11 studies to produce information that is compatible with the
 12 type of information produced by the ground water
 13 characterization program.

14 NEW SECTION. Section 7. Ground water assessment
 15 steering committee. (1) There is a ground water assessment
 16 steering committee consisting of an employee of each of the
 17 following state agencies having responsibility for ground
 18 water protection, management, or information who must be
 19 appointed by the head of the respective state agency:

- 20 (a) the department of natural resources and
- 21 conservation;
- 22 (b) the department of health and environmental
- 23 sciences;
- 24 (c) the department of agriculture;
- 25 (d) the department of state lands; and

1 (e) the Montana state library, natural resource
 2 information system.

3 (2) The ground water assessment steering committee may
 4 include representatives of the following agencies and units
 5 of government with expertise or management responsibility
 6 related to ground water and representatives of the
 7 organizations and groups specified in subsection ~~(2)(g)~~
 8 (2)(H), who shall serve as ex officio members:

- 9 (a) the environmental quality council;
- 10 (B) THE BOARD OF OIL AND GAS CONSERVATION;
- 11 ~~(b)(C)~~ the Montana bureau of mines and geology;
- 12 ~~(c)(D)~~ a representative from a unit of the university
 13 system, other than the Montana bureau of mines and geology,
 14 appointed by the board of regents of higher education for
 15 the Montana university system;
- 16 ~~(d)(E)~~ a county government, appointed by an
 17 organization of Montana counties;
- 18 ~~(e)(F)~~ a city, town, or city-county government,
 19 appointed by an organization of Montana cities and towns;
- 20 ~~(f)(G)~~ each principal federal agency having
 21 responsibility for ground water protection, management, or
 22 research, appointed by the Montana head of the respective
 23 federal agency; and
- 24 ~~(g)(H)~~ one representative of each of the following,
 25 appointed by the governor:

1 (i) agricultural water users;
2 (ii) industrial water users; and
3 (iii) a conservation or ecological protection
4 organization.

5 (3) The ground water assessment steering committee
6 shall elect a chairman from its voting members.

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

9 NEW SECTION. Section 8. Codification instructions. (1)
10 [Sections 1 through 6] are intended to be codified as an
11 integral part of Title 85, chapter 2, and the provisions of
12 Title 85, chapter 2, apply to [sections 1 through 6].

13 (2) [Section 7] is intended to be codified as an
14 integral part of Title 2, chapter 15, part 15, and the
15 provisions of Title 2, chapter 15, part 15, apply to
16 [section 7].

17 NEW SECTION. Section 9. Coordination instruction. If
18 [LC 787] is not passed and approved, [section 4(4)(a)] is
19 void.

20 NEW SECTION. Section 10. Effective date. [This act] is
21 effective July 1, 1991.

-End-

HOUSE STANDING COMMITTEE REPORT

March 13, 1991
Page 2 of 2

March 13, 1991
Page 1 of 2

Mr. Speaker: We, the committee on Natural Resources report that Senate Bill 94 (third reading copy -- blue) be concurred in as amended.

Signed: Bob Raney
Bob Raney, Chairman

Rep. J. Dreisbach

And, that such amendments read:

1. Title, line 8.

Following: "ACCOUNT;"

Insert: "ESTABLISHING A STATUTORY APPROPRIATION;"

2. Title, line 11.

Following: "PROGRAMS;"

Insert: "AMENDING SECTION 17-7-502, MCA;"

3. Page 4, lines 9 and 10.

Following: "year," on line 9

Strike: the remainder of line 9 through "assessment" on line 10

Insert: "there is statutorily appropriated, as provided in 17-7-502, 8.1% of the metal mine license"

4. Page 4, line 11.

Following: "by"

Strike: "[LC 787]"

Insert: "[House Bill No. 215]"

5. Page 9, line 9.

Following: line 8

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

(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 such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991.)"

Renumber: subsequent sections

6. Page 9, line 18.

Strike: "[LC 787]"

Insert: "House Bill No. 215"

HOUSE STANDING COMMITTEE REPORT

April 12, 1991
Page 2 of 6

April 12, 1991

Page 1 of 6

Mr. Speaker: We, the committee on Taxation report that Senate Bill 94 (third reading copy -- blue) be concurred in as amended.

Signed: 
Dan Harfington, Chairman

Carried by: Rep. O'Keefe

And, that such amendments read:

1. Strike: all amendments adopted by the House Natural Resources Committee on March 12, 1991

2. Title, line 9.
Following: line 8

Insert: "INCREASING THE FILING FEE FOR NOTICE OF COMPLETION OF GROUND WATER DEVELOPMENT; INCREASING THE FILING FEE FOR PERMITS TO BENEFICIALLY USE GROUND WATER; DIRECTING THE BOARD OF WATER WELL CONTRACTORS TO AMEND RULE 36.21.415, ADMINISTRATIVE RULES OF MONTANA, TO INCREASE LICENSE FEES;"

3. Title, line 11.

Following: "PROGRAMS;"

Insert: "PROVIDING AN APPROPRIATION; AMENDING SECTIONS 37-43-303, 37-43-307, 85-2-302, AND 85-2-306;"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

4. Page 4, lines 8 through 23.

Following: line 7

Strike: subsection (a) in its entirety

Insert: "(a) the portion of the application filing fee for a permit to beneficially use ground water, allocated pursuant to 85-2-302(2);

(b) the portion of the filing fee for processing notices of completion of ground water development, allocated pursuant to 85-2-306(5);

(c) the portion of the water well contractor, driller, and monitoring well constructor license fee, allocated pursuant to 37-43-303(2), and the portion of the license renewal fee, allocated pursuant to 37-43-307(1);

(d) the portion of public water supply system fees, allocated pursuant to [section 4 of Senate Bill No. 407];"
Renumber: subsequent subsections

5. Page 9, line 9.

Following: line 8

Insert: "Section 8. Section 37-43-303, MCA, is amended to read:

"37-43-303. Application -- fee. (1) Except as provided in 37-43-302(2), a person desiring to engage in the drilling, making, construction, alteration, or rehabilitation of one or more water or monitoring wells for underground water in this state shall first file an application with the department for a license. The application must set forth the applicant's qualifications, the equipment proposed to be used in the contracting, and other matters required by the board on forms adopted by the board.

(2) The department shall charge a fee prescribed by the board for filing an application. The application shall not be acted on until the fee has been paid. Fees collected under this section ~~shall~~ must be deposited in the state special revenue fund for the use of the board, except that \$25 of the fee collected from each applicant for a water well contractor license and \$15 of the fee collected from each applicant for a water well driller license or a monitoring well constructor license must be deposited in the ground water assessment account established in [section 4].

(3) An appropriate license shall be issued to an applicant if, in the opinion of the board, the applicant is qualified to conduct water well or monitoring well construction operations. In the granting of licenses, the board shall have due regard for the interest of this state in the protection of its underground waters."

Section 9. Section 37-43-307, MCA, is amended to read:

"37-43-307. Annual renewal -- fee -- revocation for nonrenewal. (1) The term for licenses issued under this chapter is from July 1 of each year through the following June 30. After the payment of the initial fee under 37-43-303, a licensee shall pay, before the first day of each license year, a renewal fee as prescribed by the board. Renewal fees collected under this section must be deposited in the state special revenue fund for the use of the board, except that \$25 of the fee collected from each renewal of a water well contractor license or a monitoring well constructor license and \$15 of the fee collection from each renewal of a water well driller license must be deposited in the ground water assessment account established in [section 4].

(2) If a licensee does not apply for renewal of his license before the first day of a license year and remit to the department the renewal fee, he shall have his license suspended by the board. If the license remains suspended for a period of

more than 30 days after the first day of a license year, it shall be revoked by the board. However, the department, prior to this revocation, shall notify the licensee of the board's intention to revoke at least 10 days prior to the time set for action to be taken by the board on the license, by mailing notice to the licensee at the address appearing for the licensee in the records and files of the department. A license once revoked may not be reinstated unless it appears that an injustice has occurred indicating to the board that the licensee was not guilty of negligence or laches. If a person whose license has been revoked through his own fault desires to engage in the business of water well drilling or monitoring well construction in this state or contracting therefor, he must apply under 37-43-303. Notice of suspension shall be given a licensee when the suspension occurs."

NEW SECTION. Section 10. Board to amend rule. The board of water well contractors shall amend Rule 36.21.415, Administrative Rules of Montana, as follows:

"36.21.415 FEE SCHEDULE

(1) Application and examination		\$275.00
(a) Contractors	250.00	275.00
(b) Drillers	150.00	165.00
(c) Monitoring well constructor	150.00	165.00
(2) Re-examination		
(a) Water well contractor	125.00	
(b) Water well driller	75.00	
(c) Monitoring well constructor	75.00	
(3) Renewal		
(a) Contractor	115.00	140.00
(b) Driller	75.00	90.00
(c) Monitoring well constructor	115.00	140.00
(4) Late renewal		
(in addition to renewal fee)	55.00	
will be charged for any license not renewed prior to July 10		
(5) Duplicate certificate and/or license	40.00	
(6) Change in contractor name and/or address	40.00	
(7) Change in responsible contractor (new driller license fee)	40.00	
(8) Copies of law and rules--per page (drillers and contractors are exempt from fee)"	.20	

Section 11. Section 85-2-302, MCA, is amended to read:
"85-2-302. Application for permit -- fee. (1) Except as otherwise provided in (1) through (3) of 85-2-306, a person may not appropriate water or commence construction of diversion, impoundment, withdrawal, or distribution works therefor except by applying for and receiving a permit from the department. The application shall be made on a form prescribed by the department.

The department shall make the forms available through its offices and the offices of the county clerk and recorders. The department shall return a defective application for correction or completion, together with the reasons for returning it. An application does not lose priority of filing because of defects if the application is corrected, completed, and refiled with the department within 30 days after its return to the applicant or within a further time as the department may allow. If an application is not corrected and completed within 30 days or within a further time as the department allows, up to 3 months, the priority date of the application shall be the date of refiled the application with the corrections with the department. An application not corrected within 3 months shall be terminated.

(2) In addition to the application filing fee prescribed by the board by rule pursuant to 85-2-113, a person applying for a permit under subsection (1) shall pay a fee of \$1 per acre-foot of ground water appropriated. The fees collected by the department under this subsection must be deposited in the ground water assessment account, established in [section 4], within the state special revenue fund."

Section 12. Section 85-2-306, MCA, is amended to read:
"85-2-306. Exceptions to permit requirements -- fee. (1) Ground water may be appropriated only by a person who has a possessory interest in the property where the water is to be put to beneficial use and exclusive property rights in the ground water development works or, if another person has rights in the ground water development works, the written consent of the person with those property rights. Outside the boundaries of a controlled ground water area, a permit is not required before appropriating ground water by means of a well or developed spring with a maximum appropriation of less than 100 gallons per minute, except that a combined appropriation from the same source from two or more wells or developed springs exceeding this limitation requires a permit. Within 60 days of completion of the well or developed spring and appropriation of the ground water for beneficial use, the appropriator shall file a notice of completion with the department on a form provided by the department at its offices and at the offices of the county clerk and recorders and pay a \$20 filing fee. Upon receipt of the notice, the department shall review the notice and may, before issuing a certificate of water right, return a defective notice for correction or completion, together with the reasons for returning it. A notice does not lose priority of filing because of defects if the notice is corrected, completed, and refiled with the department within 30 days or within a further time as the department may allow, not to exceed 6 months. If a notice is not corrected and completed within the time allowed, the priority date of appropriation shall be the date of refiled a correct and

complete notice with the department. A certificate of water right may not be issued until a correct and complete notice has been filed with the department. The original of the certificate shall be sent to the appropriator. The department shall keep a copy of the certificate in its office in Helena. The date of filing of the notice of completion is the date of priority of the right.

(2) An appropriator of ground water by means of a well or developed spring first put to beneficial use between January 1, 1962, and July 1, 1973, who did not file a notice of completion, as required by laws in force prior to April 14, 1981, with the county clerk and recorder shall file a notice of completion, as provided in subsection (1) of this section, with the department to perfect the water right. The filing of a claim of existing water right pursuant to 85-2-221 is sufficient notice of completion under this subsection. The priority date of the appropriation shall be the date of the filing of a notice as provided in subsection (1) of this section or the date of the filing of the claim of existing water right. An appropriation under this subsection is an existing right, and a permit is not required; however, the department shall acknowledge the receipt of a correct and complete filing of a notice of completion, except that for an appropriation of less than 100 gallons per minute, the department shall issue a certificate of water right. If a certificate is issued under this section, a certificate need not be issued under the adjudication proceedings provided for in 85-2-236.

(3) A permit is not required before constructing an impoundment or pit and appropriating water for use by livestock if the maximum capacity of the impoundment or pit is less than 15 acre-feet and the appropriation is less than 30 acre-feet per year and is from a source other than a perennial flowing stream and the impoundment or pit is to be constructed on and will be accessible to a parcel of land that is owned or under the control of the applicant and that is 40 acres or larger. As used in this subsection, a perennial flowing stream means a stream which historically has flowed continuously at all seasons of the year, during dry as well as wet years. However, within 60 days after constructing the impoundment or pit, the appropriator shall apply for a permit as prescribed by this part. Upon receipt of a correct and complete application for a stockwater provisional permit, the department shall then automatically issue a provisional permit. If the department determines after a hearing that the rights of other appropriators have been or will be adversely affected, it may revoke the permit or require the permittee to modify the impoundment or pit and may then make the permit subject to such terms, conditions, restrictions, or limitations it considers necessary to protect the rights of other appropriators.

(4) A person may also appropriate water without applying

for or prior to receiving a permit under rules adopted by the board under 85-2-113.

(5) The department shall deposit \$10 of each filing fee collected pursuant to subsection (1) in the ground water assessment account, established in [section 4], within the state special revenue fund.

NEW SECTION. Section 13. Appropriation. There is appropriated to the Montana bureau of mines and geology for the biennium ending June 30, 1993, all funds in the ground water assessment account, established in [section 4], in the state special revenue fund, for purposes of establishing a ground water monitoring program and a ground water characterization program." Renumber: subsequent sections

6. Page 9, lines 18 and 19.

Following: line 17

Strike: lines 18 and 19 in their entirety

Insert: "Senate Bill No. 407 is passed and approved and does not contain a provision that allocates a portion of public water supply system fees to the ground water assessment account, then [section 4(4)(d) of this act] is void."

7. Page 9, line 22.

Following: line 21

Insert: "NEW SECTION. Section 17. Termination. [Subsections (4)(a) through (4)(d) of section 4] and [sections 8 through 12 of this act] terminate July 1, 1993."

1 SENATE BILL NO. 94
 2 INTRODUCED BY T. BECK, GILBERT, DRISCOLL, HARP,
 3 RANEY, YELLOWTAIL, WEEDING, GRADY
 4 BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A GROUND WATER
 7 MONITORING PROGRAM AND A GROUND WATER CHARACTERIZATION
 8 PROGRAM; ESTABLISHING A GROUND WATER ASSESSMENT ACCOUNT;
 9 ~~ESTABLISHING---A---STATUTORY---APPROPRIATION;~~ INCREASING THE
 10 FILING FEE FOR NOTICE OF COMPLETION OF GROUND WATER
 11 DEVELOPMENT; INCREASING THE FILING FEE FOR PERMITS TO
 12 BENEFICIALLY USE GROUND WATER; DIRECTING THE BOARD OF WATER
 13 WELL CONTRACTORS TO AMEND RULE 36.21.415, ADMINISTRATIVE
 14 RULES OF MONTANA, TO INCREASE LICENSE FEES; ESTABLISHING A
 15 GROUND WATER ASSESSMENT STEERING COMMITTEE; DIRECTING THE
 16 MONTANA BUREAU OF MINES AND GEOLOGY TO ADMINISTER THE
 17 PROGRAMS; ~~AMENDING--SECTION--17-7-582,--MEA;~~ PROVIDING AN
 18 APPROPRIATION; AMENDING SECTIONS 37-43-303, 37-43-307,
 19 85-2-302, AND 85-2-306 MCA; AND PROVIDING AN EFFECTIVE DATE
 20 AND A TERMINATION DATE."
 21
 22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 23 **NEW SECTION. Section 1.** Short title. [Sections 1
 24 through 6] may be cited as the "Montana Ground Water
 25 Assessment Act".

1 **NEW SECTION. Section 2.** Findings and purpose. (1) The
 2 legislature finds that:
 3 (a) Montana's citizens depend on ground water for a
 4 variety of uses, including domestic, agricultural,
 5 industrial, irrigation, mining, municipal, power, and
 6 recreation, and for maintenance of ecosystems and surface
 7 water supplies;
 8 (b) ground water supplies and quality are threatened by
 9 a variety of contaminant sources;
 10 (c) there is insufficient information characterizing
 11 the volume, quality, and flow patterns of the state's ground
 12 water;
 13 (d) ground water information deficiencies are hampering
 14 the efforts of citizens and units of government to properly
 15 manage, protect, and develop ground water;
 16 (e) government policies and programs should focus on
 17 preventing ground water contamination and supply depletion,
 18 but in order for preventive policies and programs to be
 19 effective, better ground water information is required; and
 20 (f) there is a need for better coordination among those
 21 numerous units of state, federal, and local government with
 22 responsibility for ground water management, protection, and
 23 development.
 24 (2) The purposes of [sections 1 through 6] are:
 25 (a) to improve the quality of ground water management,

1 protection, and development decisions within the public and
2 private sectors by establishing a program to systematically
3 assess and monitor the state's ground water and to
4 disseminate the information to interested persons; and

5 (b) to improve coordination of ground water management,
6 protection, development, and research functions among units
7 of state, federal, and local government by establishing a
8 ground water assessment steering committee.

9 NEW SECTION. Section 3. Definitions. As used in
10 [sections 1 through 6], the following definitions apply:

11 (1) "Aquifer" means a water-bearing, subsurface
12 formation capable of yielding sufficient quantities of water
13 to a well for a beneficial use.

14 (2) "Ground water assessment steering committee" means
15 the committee established by [section 7].

16 (3) "Ground water characterization program" means a
17 program to systematically assess and document the
18 hydrogeology and quality of the state's major aquifers.

19 (4) "Ground water characterization study" means the
20 assessment of individual aquifers in specific areas within
21 the state.

22 (5) "Ground water monitoring program" means a program
23 to produce and maintain a long-term record of ground water
24 chemistry and water level changes, based on information
25 collected from a statewide network of observation wells.

1 NEW SECTION. Section 4. Ground water assessment
2 account. (1) There is a ground water assessment account
3 within the state special revenue fund established in
4 17-2-102. The Montana bureau of mines and geology is
5 authorized to expend amounts from the account necessary to
6 carry out the purposes of [sections 1 through 6].

7 (2) The account may be used by the Montana bureau of
8 mines and geology only to carry out the provisions of
9 [sections 1 through 6].

10 (3) Subject to the direction of the ground water
11 assessment steering committee, the Montana bureau of mines
12 and geology shall investigate opportunities for the
13 participation and financial contribution of agencies of
14 federal and local governments to accomplish the purposes of
15 [sections 1 through 6].

16 (4) There must be deposited in the account:

17 ~~(a) on July 1, 1991, and at the beginning of each~~
18 ~~succeeding fiscal year, 14.1% of the proceeds from the~~
19 ~~resource indemnity and ground water assessment THERE IS~~
20 ~~statutorily appropriated, as provided in 17-7-502, 8.1% of~~
21 ~~the metal mine license 14.1% of the proceeds from the~~
22 ~~resource indemnity and ground water assessment tax as~~
23 ~~authorized by ~~§ 707~~ HOUSE BILL NO. 215 ~~§ 707~~ unless~~
24 ~~at the beginning of the fiscal year the unobligated cash~~
25 ~~balance in the ground water assessment account:~~

1 {~~i~~} equals or exceeds \$666,000, in which case no
 2 allocation will be made and the funds must be deposited in
 3 the resource indemnity trust fund established by 15-38-201;
 4 or

5 {~~ii~~} is less than \$666,000, in which case an amount
 6 equal to the difference between the unobligated cash balance
 7 and \$666,000 must be allocated to the ground water
 8 assessment account and any remaining amount must be
 9 deposited in the resource indemnity trust fund established
 10 by 15-38-201;

11 (A) THE PORTION OF THE APPLICATION FILING FEE FOR A
 12 PERMIT TO BENEFICIALLY USE GROUND WATER, ALLOCATED PURSUANT
 13 TO 85-2-302(2);

14 (B) THE PORTION OF THE FILING FEE FOR PROCESSING
 15 NOTICES OF COMPLETION OF GROUND WATER DEVELOPMENT, ALLOCATED
 16 PURSUANT TO 85-2-306(5);

17 (C) THE PORTION OF THE WATER WELL CONTRACTOR, DRILLER,
 18 AND MONITORING WELL CONSTRUCTOR LICENSE FEE, ALLOCATED
 19 PURSUANT TO 37-43-303(2), AND THE PORTION OF THE LICENSE
 20 RENEWAL FEE, ALLOCATED PURSUANT TO 37-43-307(1);

21 (D) THE PORTION OF PUBLIC WATER SUPPLY SYSTEM FEES,
 22 ALLOCATED PURSUANT TO [SECTION 4 OF SENATE BILL NO. 407];

23 {~~b~~}(E) funds provided by federal or state government
 24 agencies and by local governments to carry out the purposes
 25 of [sections 1 through 6]; and

1 {~~e~~}(F) funds provided by any other public or private
 2 sector organization or person in the form of gifts, grants,
 3 or contracts specifically designated to carry out the
 4 purposes of [sections 1 through 6].

5 **NEW SECTION. Section 5. Ground water characterization**
 6 **program -- ground water monitoring program.** (1) There is a
 7 ground water characterization program and a ground water
 8 monitoring program.

9 (2) Subject to the direction of the ground water
 10 assessment steering committee, the Montana bureau of mines
 11 and geology shall establish and administer the ground water
 12 characterization program and the ground water monitoring
 13 program.

14 (3) The Montana bureau of mines and geology shall work
 15 with units of local government, ground water users, and
 16 other affected organizations and individuals in areas of the
 17 state that are included in a ground water characterization
 18 study and, if warranted by the level of local interest in a
 19 ground water characterization study, shall establish a local
 20 ground water assessment advisory committee.

21 (4) The ground water assessment steering committee
 22 created by [section 7] shall:

23 (a) oversee expenditures from the ground water
 24 assessment account and organization plans and work plans
 25 proposed by the Montana bureau of mines and geology to

1 implement the ground water characterization and ground water
2 monitoring programs, including plans for local involvement
3 and participation in ground water characterization studies;

4 (b) approve ground water monitoring sites;

5 (c) prioritize and select ground water characterization
6 study areas;

7 (d) develop plans for ground water information
8 management and dissemination;

9 (e) develop plans for integrating existing ground water
10 information with information collected under the programs
11 created by subsection (1);

12 (f) coordinate ground water information collection
13 projects sponsored by individual units of state, federal, or
14 local government with the programs created by subsection
15 (1); and

16 (g) evaluate reports and other information produced by
17 the Montana bureau of mines and geology from ground water
18 characterization studies.

19 (5) The ground water assessment steering committee
20 shall invite representatives of local governments and Indian
21 tribes with jurisdiction over areas of the state that are
22 included in an active ground water characterization study or
23 in a study scheduled to begin in the ensuing biennium, as
24 well as affected citizens in these areas, to participate in
25 steering committee meetings.

1 NEW SECTION. **Section 6.** Ground water information
2 collection by local governments. Units of local government
3 may conduct ground water information collection projects in
4 advance of ground water characterization studies conducted
5 under the program created by [section 5(1)]. Local
6 governments shall consult with the Montana bureau of mines
7 and geology in designing local ground water information
8 collection projects and studies and, subject to local
9 funding availability, shall conduct the local projects and
10 studies to produce information that is compatible with the
11 type of information produced by the ground water
12 characterization program.

13 NEW SECTION. **Section 7.** Ground water assessment
14 steering committee. (1) There is a ground water assessment
15 steering committee consisting of an employee of each of the
16 following state agencies having responsibility for ground
17 water protection, management, or information who must be
18 appointed by the head of the respective state agency:

19 (a) the department of natural resources and
20 conservation;

21 (b) the department of health and environmental
22 sciences;

23 (c) the department of agriculture;

24 (d) the department of state lands; and

25 (e) the Montana state library, natural resource

1 information system.

2 (2) The ground water assessment steering committee may
3 include representatives of the following agencies and units
4 of government with expertise or management responsibility
5 related to ground water and representatives of the
6 organizations and groups specified in subsection ~~(2)(g)~~
7 (2)(H), who shall serve as ex officio members:

- 8 (a) the environmental quality council;
- 9 (B) THE BOARD OF OIL AND GAS CONSERVATION;
- 10 ~~(b)~~(C) the Montana bureau of mines and geology;
- 11 ~~(c)~~(D) a representative from a unit of the university
12 system, other than the Montana bureau of mines and geology,
13 appointed by the board of regents of higher education for
14 the Montana university system;
- 15 ~~(d)~~(E) a county government, appointed by an
16 organization of Montana counties;
- 17 ~~(e)~~(F) a city, town, or city-county government,
18 appointed by an organization of Montana cities and towns;
- 19 ~~(f)~~(G) each principal federal agency having
20 responsibility for ground water protection, management, or
21 research, appointed by the Montana head of the respective
22 federal agency; and
- 23 ~~(g)~~(H) one representative of each of the following,
24 appointed by the governor:
- 25 (i) agricultural water users;

- 1 (ii) industrial water users; and
- 2 (iii) a conservation or ecological protection
3 organization.

4 (3) The ground water assessment steering committee
5 shall elect a chairman from its voting members.

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

8 ~~Section 8, Section 17-7-502, MCA, is amended to read:~~
9 ~~"17-7-502. Statutory appropriations-----definition---~~
10 ~~requisites-for-validity.-(1)-A-statutory-appropriation-is-an~~
11 ~~appropriation-made-by-permanent-law-that-authorizes-spending~~
12 ~~by-a-state-agency-without-the-need-for-a-biennial~~
13 ~~legislative-appropriation-or-budget-amendment.~~
14 ~~(2)-Except-as-provided-in-subsection-(4),-to-be~~
15 ~~effective,-a-statutory-appropriation-must-comply-with-both~~
16 ~~of-the-following-provisions:~~
17 ~~(a)-The-law-containing-the-statutory-authority-must-be~~
18 ~~listed-in-subsection-(3).~~
19 ~~(b)-The-law-or-portion-of-the-law-making-a-statutory~~
20 ~~appropriation-must-specifically-state-that-a-statutory~~
21 ~~appropriation-is-made-as-provided-in-this-section.~~
22 ~~(3)-The-following-laws-are-the-only-laws-containing~~
23 ~~statutory-appropriations:--2-9-202;--2-17-105;--2-10-012;~~
24 ~~10-3-203;--10-3-312;--10-3-314;--10-4-301;--13-37-304;--15-1-111;~~
25 ~~15-25-123;--15-31-702;--15-36-112;--15-37-117;--15-65-121;~~

1 15-70-1017, 16-1-4047, 16-1-4107, 16-1-4117, 17-3-2127, 17-5-4047,
 2 17-5-4247, ---17-5-8047, ---19-8-5047, ---19-9-7027, ---19-9-10077,
 3 19-10-2057, ---19-10-3057, ---19-10-5067, ---19-11-5127, ---19-11-5137,
 4 19-11-6067, ---19-12-3017, ---19-13-6047, ---20-6-4067, ---20-8-1117,
 5 20-9-3617, 23-5-3067, 23-5-4097, 23-5-6107, 23-5-6127, 23-5-10167,
 6 23-5-10277, ---27-12-2067, ---37-51-5017, ---39-71-25047, ---53-6-1507,
 7 53-24-2067, ---61-2-4067, ---61-5-1217, ---67-3-2057, ---75-1-11017,
 8 75-5-11007, ---75-11-3137, ---76-12-1237, ---80-2-1037, ---82-11-1367,
 9 82-11-1617, 90-3-3017, 90-4-2157, 90-4-6137, 90-6-3317, 90-9-3067,
 10 and--section--137--House--Bill--No--8617--Laws--of--19857--and
 11 {section-4}7
 12 (4) ~~There is a statutory appropriation to pay the~~
 13 ~~principal, interest, premiums, and costs of issuing, paying,~~
 14 ~~and securing all bonds, notes, or other obligations, as due,~~
 15 ~~that have been authorized and issued pursuant to the laws of~~
 16 ~~Montana; Agencies that have entered into agreements~~
 17 ~~authorized by the laws of Montana to pay the state~~
 18 ~~treasurer, for deposit in accordance with 17-2-101 through~~
 19 ~~17-2-1077 as determined by the state treasurer, an amount~~
 20 ~~sufficient to pay the principal and interest as due on the~~
 21 ~~bonds or notes have statutory appropriation authority for~~
 22 ~~such payments, (in subsection (3)) pursuant to sec. 107, Ch.~~
 23 ~~664, by 1987 the inclusion of 39-71-2504 terminates June~~
 24 ~~30, 1991.)"~~

25 **SECTION 8.** SECTION 37-43-303, MCA, IS AMENDED TO READ:

1 "37-43-303. Application -- fee. (1) Except as provided
 2 in 37-43-302(2), a person desiring to engage in the
 3 drilling, making, construction, alteration, or
 4 rehabilitation of one or more water or monitoring wells for
 5 underground water in this state shall first file an
 6 application with the department for a license. The
 7 application must set forth the applicant's qualifications,
 8 the equipment proposed to be used in the contracting, and
 9 other matters required by the board on forms adopted by the
 10 board.

11 (2) The department shall charge a fee prescribed by the
 12 board for filing an application. The application shall not
 13 be acted on until the fee has been paid. Fees collected
 14 under this section shall must be deposited in the state
 15 special revenue fund for the use of the board, except that
 16 \$25 of the fee collected from each applicant for a water
 17 well contractor license and \$15 of the fee collected from
 18 each applicant for a water well driller license or a
 19 monitoring well constructor license must be deposited in the
 20 ground water assessment account established in [section 4].

21 (3) An appropriate license shall be issued to an
 22 applicant if, in the opinion of the board, the applicant is
 23 qualified to conduct water well or monitoring well
 24 construction operations. In the granting of licenses, the
 25 board shall have due regard for the interest of this state

1 in the protection of its underground waters."

2 **SECTION 9. SECTION 37-43-307, MCA, IS AMENDED TO READ:**

3 "37-43-307. Annual renewal -- fee -- revocation for
4 nonrenewal. (1) The term for licenses issued under this
5 chapter is from July 1 of each year through the following
6 June 30. After the payment of the initial fee under
7 37-43-303, a licensee shall pay, before the first day of
8 each license year, a renewal fee as prescribed by the board.
9 Renewal fees collected under this section must be deposited
10 in the state special revenue fund for the use of the board,
11 except that \$25 of the fee collected from each renewal of a
12 water well contractor license or a monitoring well
13 constructor license and \$15 of the fee collection from each
14 renewal of a water well driller license must be deposited in
15 the ground water assessment account established in [section
16 4].

17 (2) If a licensee does not apply for renewal of his
18 license before the first day of a license year and remit to
19 the department the renewal fee, he shall have his license
20 suspended by the board. If the license remains suspended for
21 a period of more than 30 days after the first day of a
22 license year, it shall be revoked by the board. However, the
23 department, prior to this revocation, shall notify the
24 licensee of the board's intention to revoke at least 10 days
25 prior to the time set for action to be taken by the board on

1 the license, by mailing notice to the licensee at the
2 address appearing for the licensee in the records and files
3 of the department. A license once revoked may not be
4 reinstated unless it appears that an injustice has occurred
5 indicating to the board that the licensee was not guilty of
6 negligence or laches. If a person whose license has been
7 revoked through his own fault desires to engage in the
8 business of water well drilling or monitoring well
9 construction in this state or contracting therefor, he must
10 apply under 37-43-303. Notice of suspension shall be given a
11 licensee when the suspension occurs."

12 **NEW SECTION. SECTION 10. BOARD TO AMEND RULE. THE**
13 **BOARD OF WATER WELL CONTRACTORS SHALL AMEND RULE 36.21.415,**
14 **ADMINISTRATIVE RULES OF MONTANA, AS FOLLOWS:**

15 "36.21.415 FEE SCHEDULE

16	<u>(1) APPLICATION AND EXAMINATION</u>	
17	<u>(A) CONTRACTORS</u>	\$250.00
18		\$275.00
19	<u>(B) DRILLERS</u>	150.00
20		165.00
21	<u>(C) MONITORING WELL CONSTRUCTOR</u>	150.00
22		165.00
23	<u>(2) RE-EXAMINATION</u>	
24	<u>(A) WATER WELL CONTRACTOR</u>	125.00
25	<u>(B) WATER WELL DRILLER</u>	75.00

1	<u>(C) MONITORING WELL CONSTRUCTOR</u>	<u>75.00</u>
2	<u>(3) RENEWAL</u>	
3	<u>(A) CONTRACTOR</u>	115.00
4		<u>140.00</u>
5	<u>(B) DRILLER</u>	<u>75.00</u>
6		<u>90.00</u>
7	<u>(C) MONITORING WELL CONSTRUCTOR</u>	115.00
8		<u>140.00</u>
9	<u>(4) LATE RENEWAL</u>	<u>55.00</u>
10	<u>(IN ADDITION TO RENEWAL FEE)</u>	
11	<u>WILL BE CHARGED FOR ANY LICENSE</u>	
12	<u>NOT RENEWED PRIOR TO JULY 10</u>	
13	<u>(5) DUPLICATE CERTIFICATE</u>	<u>40.00</u>
14	<u>AND/OR LICENSE</u>	
15	<u>(6) CHANGE IN CONTRACTOR NAME AND/</u>	<u>40.00</u>
16	<u>OR ADDRESS</u>	
17	<u>(7) CHANGE IN RESPONSIBLE CONTRACTOR</u>	<u>40.00</u>
18	<u>(NEW DRILLER LICENSE FEE)</u>	
19	<u>(8) COPIES OF LAW AND RULES--PER PAGE</u>	<u>.20</u>
20	<u>(DRILLERS AND CONTRACTORS</u>	
21	<u>ARE EXEMPT FROM FEE)"</u>	

22 **SECTION 11. SECTION 85-2-302, MCA, IS AMENDED TO READ:**

23 **"85-2-302. Application for permit -- fee. (1) Except as**
 24 otherwise provided in (1) through (3) of 85-2-306, a person
 25 may not appropriate water or commence construction of

1 diversion, impoundment, withdrawal, or distribution works
 2 therefor except by applying for and receiving a permit from
 3 the department. The application shall be made on a form
 4 prescribed by the department. The department shall make the
 5 forms available through its offices and the offices of the
 6 county clerk and recorders. The department shall return a
 7 defective application for correction or completion, together
 8 with the reasons for returning it. An application does not
 9 lose priority of filing because of defects if the
 10 application is corrected, completed, and refiled with the
 11 department within 30 days after its return to the applicant
 12 or within a further time as the department may allow. If an
 13 application is not corrected and completed within 30 days or
 14 within a further time as the department allows, up to 3
 15 months, the priority date of the application shall be the
 16 date of refiling the application with the corrections with
 17 the department. An application not corrected within 3 months
 18 shall be terminated.

19 (2) In addition to the application filing fee
 20 prescribed by the board by rule pursuant to 85-2-113, a
 21 person applying for a permit under subsection (1) shall pay
 22 a fee of \$1 per acre-foot of ground water appropriated. The
 23 fees collected by the department under this subsection must
 24 be deposited in the ground water assessment account,
 25 established in [section 4], within the state special revenue

1 fund."

2 **SECTION 12. SECTION 85-2-306, MCA, IS AMENDED TO READ:**

3 **"85-2-306. Exceptions to permit requirements -- fee.**

4 (1) Ground water may be appropriated only by a person who
5 has a possessory interest in the property where the water is
6 to be put to beneficial use and exclusive property rights in
7 the ground water development works or, if another person has
8 rights in the ground water development works, the written
9 consent of the person with those property rights. Outside
10 the boundaries of a controlled ground water area, a permit
11 is not required before appropriating ground water by means
12 of a well or developed spring with a maximum appropriation
13 of less than 100 gallons per minute, except that a combined
14 appropriation from the same source from two or more wells or
15 developed springs exceeding this limitation requires a
16 permit. Within 60 days of completion of the well or
17 developed spring and appropriation of the ground water for
18 beneficial use, the appropriator shall file a notice of
19 completion with the department on a form provided by the
20 department at its offices and at the offices of the county
21 clerk and recorders and pay a \$20 filing fee. Upon receipt
22 of the notice, the department shall review the notice and
23 may, before issuing a certificate of water right, return a
24 defective notice for correction or completion, together with
25 the reasons for returning it. A notice does not lose

1 priority of filing because of defects if the notice is
2 corrected, completed, and refiled with the department within
3 30 days or within a further time as the department may
4 allow, not to exceed 6 months. If a notice is not corrected
5 and completed within the time allowed, the priority date of
6 appropriation shall be the date of refileing a correct and
7 complete notice with the department. A certificate of water
8 right may not be issued until a correct and complete notice
9 has been filed with the department. The original of the
10 certificate shall be sent to the appropriator. The
11 department shall keep a copy of the certificate in its
12 office in Helena. The date of filing of the notice of
13 completion is the date of priority of the right.

14 (2) An appropriator of ground water by means of a well
15 or developed spring first put to beneficial use between
16 January 1, 1962, and July 1, 1973, who did not file a notice
17 of completion, as required by laws in force prior to April
18 14, 1981, with the county clerk and recorder shall file a
19 notice of completion, as provided in subsection (1) of this
20 section, with the department to perfect the water right. The
21 filing of a claim of existing water right pursuant to
22 85-2-221 is sufficient notice of completion under this
23 subsection. The priority date of the appropriation shall be
24 the date of the filing of a notice as provided in subsection
25 (1) of this section or the date of the filing of the claim

1 of existing water right. An appropriation under this
 2 subsection is an existing right, and a permit is not
 3 required; however, the department shall acknowledge the
 4 receipt of a correct and complete filing of a notice of
 5 completion, except that for an appropriation of less than
 6 100 gallons per minute, the department shall issue a
 7 certificate of water right. If a certificate is issued
 8 under this section, a certificate need not be issued under
 9 the adjudication proceedings provided for in 85-2-236.

10 (3) A permit is not required before constructing an
 11 impoundment or pit and appropriating water for use by
 12 livestock if the maximum capacity of the impoundment or pit
 13 is less than 15 acre-feet and the appropriation is less than
 14 30 acre-feet per year and is from a source other than a
 15 perennial flowing stream and the impoundment or pit is to be
 16 constructed on and will be accessible to a parcel of land
 17 that is owned or under the control of the applicant and that
 18 is 40 acres or larger. As used in this subsection, a
 19 perennial flowing stream means a stream which historically
 20 has flowed continuously at all seasons of the year, during
 21 dry as well as wet years. However, within 60 days after
 22 constructing the impoundment or pit, the appropriator shall
 23 apply for a permit as prescribed by this part. Upon receipt
 24 of a correct and complete application for a stockwater
 25 provisional permit, the department shall then automatically

1 issue a provisional permit. If the department determines
 2 after a hearing that the rights of other appropriators have
 3 been or will be adversely affected, it may revoke the permit
 4 or require the permittee to modify the impoundment or pit
 5 and may then make the permit subject to such terms,
 6 conditions, restrictions, or limitations it considers
 7 necessary to protect the rights of other appropriators.

8 (4) A person may also appropriate water without
 9 applying for or prior to receiving a permit under rules
 10 adopted by the board under 85-2-113.

11 (5) The department shall deposit \$10 of each filing fee
 12 collected pursuant to subsection (1) in the ground water
 13 assessment account, established in [section 4], within the
 14 state special revenue fund."

15 NEW SECTION. SECTION 13. APPROPRIATION. THERE IS
 16 APPROPRIATED TO THE MONTANA BUREAU OF MINES AND GEOLOGY FOR
 17 THE BIENNIUM ENDING JUNE 30, 1993, ALL FUNDS IN THE GROUND
 18 WATER ASSESSMENT ACCOUNT, ESTABLISHED IN [SECTION 4], IN THE
 19 STATE SPECIAL REVENUE FUND, FOR PURPOSES OF ESTABLISHING A
 20 GROUND WATER MONITORING PROGRAM AND A GROUND WATER
 21 CHARACTERIZATION PROGRAM.

22 NEW SECTION. Section 14. Codification instruction. (1)
 23 [Sections 1 through 6] are intended to be codified as an
 24 integral part of Title 85, chapter 2, and the provisions of
 25 Title 85, chapter 2, apply to [sections 1 through 6].

1 (2) [Section 7] is intended to be codified as an
2 integral part of Title 2, chapter 15, part 15, and the
3 provisions of Title 2, chapter 15, part 15, apply to
4 [section 7].

5 NEW SECTION. Section 15. Coordination instruction. If
6 ~~{be-787} HOUSE--BILL--NO--215 {be-787} is not passed and~~
7 ~~approved, {section-4(4)(a)} is void.~~ SENATE BILL NO. 407 IS
8 PASSED AND APPROVED AND DOES NOT CONTAIN A PROVISION THAT
9 ALLOCATES A PORTION OF PUBLIC WATER SUPPLY SYSTEM FEES TO
10 THE GROUND WATER ASSESSMENT ACCOUNT, THEN [SECTION 4(4)(D)
11 OF THIS ACT] IS VOID.

12 NEW SECTION. Section 16. Effective date. [This act] is
13 effective July 1, 1991.

14 NEW SECTION. SECTION 17. TERMINATION. [SUBSECTIONS
15 (4)(A) THROUGH (4)(D) OF SECTION 4] AND [SECTIONS 8 THROUGH
16 12 OF THIS ACT] TERMINATE JULY 1, 1993.

-End-

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill No. 94, met and considered Senate Bill No. 94 (reference copy - salmon).

We recommend that Senate Bill No. 94 (reference copy - salmon) be amended as follows:

1. Title, line 17.

Following: "MCA,"

Insert: "CHANGING THE NAME OF THE MONTANA RESOURCE INDEMNITY TRUST ACT; REALLOCATING A PORTION OF THE TAX PROCEEDS TO THE GROUND WATER ASSESSMENT ACCOUNT;"

2. Title, line 18.

Following: "SECTIONS"

Insert: "15-38-101, 15-38-102, 15-38-106,"

3. Title, line 19.

Following: "PROVIDING"

Strike: "AN"

Following: "EFFECTIVE"

Strike: "DATE"

Insert: "DATES"

4. Page 1, line 24.

Following: "through"

Strike: "6"

Insert: "7"

5. Page 2, line 24.

Following: "through"

Strike: "6"

Insert: "7"

6. Page 3, line 10.

Following: "through"

Strike: "6"

Insert: "7"

7. Page 3, line 15.

Following: "section"

Strike: "7"

Insert: "8"

8. Page 4, line 6.

Following: "through"

Strike: "6"

Insert: "7"

9. Page 4, line 9.

Following: "through"

Strike: "6"

Insert: "7"

10. Page 4, line 15.

Following: "through"

Strike: "6"

Insert: "7"

11. Page 5, line 25.

Following: "through"

Strike: "6"

Insert: "7"

12. Page 6, line 4.

Following: "through"

Strike: "6"

Insert: "7"

13. Page 6, line 5.

Following: line 4

Insert: "NEW SECTION. Section 5. Ground water assessment account. (1) There is a ground water assessment account within the state special revenue fund established in 17-2-102. The Montana bureau of mines and geology is authorized to expend amounts from the account necessary to carry out the purposes of [sections 1 through 7].

(2) The account may be used by the Montana bureau of mines and geology only to carry out the provisions of [sections 1 through 7].

(3) Subject to the direction of the ground water assessment steering committee, the Montana bureau of mines and geology shall investigate opportunities for the participation and financial contribution of agencies of federal and local governments to accomplish the purposes of [sections 1 through 7].

(4) There must be deposited in the account:

{a} on July 1, 1993, and at the beginning of each succeeding fiscal year, 14.1% of the proceeds from the resource indemnity and ground water assessment tax as authorized by 15-38-106, unless at the beginning of the fiscal year the unobligated cash balance in the ground water assessment account:

{i} equals or exceeds \$666,000, in which case no allocation will be made and the funds must be deposited in the resource indemnity trust fund established by 15-38-201; or

{ii} is less the \$666,000, in which case an amount equal to the difference between the unobligated cash balance and \$666,000 must be allocated to the ground water assessment account and any remaining amount must be deposited in the resource indemnity trust fund established by 15-38-201;

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(b) funds provided by federal or state government agencies and by local governments to carry out the purposes of [sections 1 through 7]; and

(c) funds provided by any other public or private sector organization or person in the form of gifts, grants, or contracts specifically designated to carry out the purposes of [sections 1 through 7]."

Re-number: subsequent sections

14. Page 6, line 22.

Following: "section"

Strike: "7"

Insert: "8"

15. Page 8, line 5.

Following: "section"

Strike: "5(1)"

Insert: "6(1)"

16. Page 20, line 15.

Following: line 14

Insert: "Section 14. Section 15-38-101, MCA, is amended to read: "15-38-101. Short title. This chapter shall be known and may be cited as "The Montana Resource Indemnity Trust and Ground Water Assessment Act"."

Section 15. Section 15-38-102, MCA, is amended to read: "15-38-102. Legislative policy. It is the policy of the state of Montana to indemnify its citizens for the loss of long-term value resulting from the depletion of its mineral resource base and for environmental damage caused by mineral development. This policy of indemnification is achieved by establishing a permanent resource indemnity trust, as required by Article IX, section 2, of the Montana constitution, by supporting ground water assessment programs from the proceeds of a tax levied on mineral extraction, and by allocating spendable ~~trust~~ revenues:

(1) to protect and restore the environment from damages resulting from mineral development; ~~and~~

(2) to support a variety of development programs that benefit the economy of the state and the lives of Montana citizens; ~~and~~

(3) to assess the state's ground water resources."

Section 16. Section 15-38-106, MCA, is amended to read: "15-38-106. Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter shall be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax shall be paid to the department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type, except that 14.1% of the proceeds must be deposited in the

ground water assessment account established by [section 5]. Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(3) The department shall examine the statement and compute the taxes thereon, and the amount computed by the department shall be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess shall be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer."

NEW SECTION. Section 17. Name change. In the provisions of the Montana Code Annotated, the code commissioner is instructed to change the term "resource indemnity trust tax", meaning the tax created by Title 15, chapter 38, to "resource indemnity and ground water assessment tax".

Re-number: subsequent sections

17. Page 20, line 23.

Following: "through"

Strike: "6"

Insert: "7"

18. Page 20, line 25.

Following: "through"

Strike: "6"

Insert: "7"

19. Page 21, line 1.

Following: "Section"

Strike: "7"

Insert: "8"

20. Page 21, line 4.

Following: "section"

Strike: "7"

Insert: "8"

21. Page 21, line 12.

Following: "Effective"

Strike: "date. [This act] is"

Insert: "dates. (1) [Sections 1 through 4, 6 through 13, 18 through 20, 22, and this section] are"

22. Page 21.

Following: line 13

Insert: "(2) [Sections 5 and 14 through 17] are effective July 1, 1993."

April 23, 1991
Page 5 of 5

23. Page 21, lines 15 and 16.
Following: "SECTIONS" on line 15
Strike: "8 THROUGH 12"
Insert: "9 through 13"

And that this Free Conference Committee report be adopted.

For the Senate:

Bill Weeding
Chair, Sen. Weeding

Tom Bianchi
Sen. Bianchi

Tom Beck
Sen. Beck

For the House:

Bob Roney
Chair, Rep. Roney

M. E. Connelly
Rep. Connelly

Bob Gilbert
Rep. Gilbert

VA 4-23-91
Ad. Coord.
SB 4-23
Sec. of Senate

Mr. President and Mr. Speaker:

We, your Free Conference Committee on Senate Bill No. 94, met and considered Senate Bill No. 94 (reference copy - salmon).

We recommend that Senate Bill No. 94 (reference copy - salmon) be amended as follows:

1. Title, line 17.

Following: "MCA;"

Insert: "CHANGING THE NAME OF THE MONTANA RESOURCE INDEMNITY TRUST ACT; REALLOCATING A PORTION OF THE TAX PROCEEDS TO THE GROUND WATER ASSESSMENT ACCOUNT;"

2. Title, line 18.

Following: "SECTIONS"

Insert: "15-38-101, 15-38-102, 15-38-106,"

3. Title, line 19.

Following: "PROVIDING"

Strike: "AN"

Following: "EFFECTIVE"

Strike: "DATE"

Insert: "DATES"

4. Page 1, line 24.

Following: "through"

Strike: "6"

Insert: "7"

5. Page 2, line 24.

Following: "through"

Strike: "6"

Insert: "7"

6. Page 3, line 10.

Following: "through"

Strike: "6"

Insert: "7"

7. Page 3, line 15.

Following: "section"

Strike: "7"

Insert: "8"

8. Page 4, line 6.

Following: "through"

Strike: "6"

Insert: "7"

9. Page 4, line 9.

Following: "through"

Strike: "6"

Insert: "7"

10. Page 4, line 15.

Following: "through"

Strike: "6"

Insert: "7"

11. Page 5, line 25.

Following: "through"

Strike: "6"

Insert: "7"

12. Page 6, line 4.

Following: "through"

Strike: "6"

Insert: "7"

13. Page 6, line 5.

Following: line 4

Insert: "NEW SECTION. Section 5. Ground water assessment account. (1) There is a ground water assessment account within the state special revenue fund established in 17-2-102. The Montana bureau of mines and geology is authorized to expend amounts from the account necessary to carry out the purposes of [sections 1 through 7].

(2) The account may be used by the Montana bureau of mines and geology only to carry out the provisions of [sections 1 through 7].

(3) Subject to the direction of the ground water assessment steering committee, the Montana bureau of mines and geology shall investigate opportunities for the participation and financial contribution of agencies of federal and local governments to accomplish the purposes of [sections 1 through 7].

(4) There must be deposited in the account:

(a) on July 1, 1993, and at the beginning of each succeeding fiscal year, 14.1% of the proceeds from the resource indemnity and ground water assessment tax as authorized by 15-38-106, unless at the beginning of the fiscal year the unobligated cash balance in the ground water assessment account:

(1) equals or exceeds \$666,000, in which case no allocation will be made and the funds must be deposited in the resource indemnity trust fund established by 15-38-201; or

(ii) is less the \$666,000, in which case an amount equal to the difference between the unobligated cash balance and \$666,000 must be allocated to the ground water assessment account and any remaining amount must be deposited in the resource indemnity trust fund established by 15-38-201;

ADOPT

REJECT

881102CC.Sj1

FCC#2
SB 94
881102CC.Sj1

(b) funds provided by federal or state government agencies and by local governments to carry out the purposes of [sections 1 through 7]; and

(c) funds provided by any other public or private sector organization or person in the form of gifts, grants, or contracts specifically designated to carry out the purposes of [sections 1 through 7]."

Renumber: subsequent sections

14. Page 6, line 22.

Following: "section"

Strike: "7"

Insert: "8"

15. Page 8, line 5.

Following: "section"

Strike: "5(1)"

Insert: "6(1)"

16. Page 17, line 21.

Strike: "~~\$20~~"

17. Page 20, line 11.

Following: "[5]" on line 11.

Strike: "the"

Insert: "In addition to the filing fee prescribed by the board by rule pursuant to 85-2-113, a person filing a notice under subsection (1) of this section shall pay a \$10 fee which the"

18. Page 20, line 15.

Following: line 14

Insert: "Section 14. Section 15-38-101, MCA, is amended to read: "15-38-101. Short title. This chapter shall be known and may be cited as "The Montana Resource Indemnity Trust and Ground Water Assessment Act"."

Section 15. Section 15-38-102, MCA, is amended to read: "15-38-102. Legislative policy. It is the policy of the state of Montana to indemnify its citizens for the loss of long-term value resulting from the depletion of its mineral resource base and for environmental damage caused by mineral development. This policy of indemnification is achieved by establishing a permanent resource indemnity trust, as required by Article IX, section 2, of the Montana constitution, by supporting ground water assessment programs from the proceeds of a tax levied on mineral extraction, and by allocating spendable trust revenues:

(1) to protect and restore the environment from damages resulting from mineral development; and

(2) to support a variety of development programs that benefit the economy of the state and the lives of Montana citizens; and

(3) to assess the state's ground water resources."

Section 16. Section 15-38-106, MCA, is amended to read:

"15-38-106. Payment of tax -- records -- collection of taxes -- refunds. (1) The tax imposed by this chapter shall be paid by each person to which the tax applies, on or before March 31, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax shall be paid to the department at the time the statement of yield for the preceding calendar year is filed with the department.

(2) The department shall deposit the proceeds of the tax in the resource indemnity trust fund of the nonexpendable trust fund type, except that 14.1% of the proceeds must be deposited in the ground water assessment account established by [section 5]. Every person to whom the tax applies shall keep records in accordance with 15-38-105, and the records are subject to inspection by the department upon reasonable notice during normal business hours.

(3) The department shall examine the statement and compute the taxes thereon, and the amount computed by the department shall be the taxes imposed, assessed against, and payable by the taxpayer. If the tax found to be due is greater than the amount paid, the excess shall be paid by the taxpayer to the department within 30 days after written notice of the amount of deficiency is mailed by the department to the taxpayer. If the tax imposed is less than the amount paid, the difference must be applied as a tax credit against tax liability for subsequent years or refunded if requested by the taxpayer."

NEW SECTION. Section 17. Name change. In the provisions of the Montana Code Annotated, the code commissioner is instructed to change the term "resource indemnity trust tax", meaning the tax created by Title 15, chapter 38, to "resource indemnity and ground water assessment tax".

Renumber: subsequent sections

19. Page 20, line 23.

Following: "through"

Strike: "6"

Insert: "7"

20. Page 20, line 25.

Following: "through"

Strike: "6"

Insert: "7"

21. Page 21, line 1.

Following: "Section"

Strike: "7"

Insert: "8"

22. Page 21, line 4.

Following: "section"

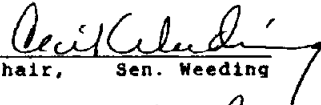
Strike: "7"

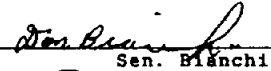
Insert: "8"

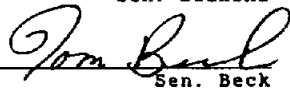
23. Page 21, line 12.
Following: "Effective"
Strike: "date. [This act] is"
Insert: "dates. (1) [Sections 1 through 4, 6 through 13, 18 through 20, 22, and this section] are"
24. Page 21.
Following: line 13
Insert: "(2) [Sections 5 and 14 through 17] are effective July 1, 1993."
25. Page 21, lines 15 and 16.
Following: "SECTIONS" on line 15
Strike: "8 THROUGH 12"
Insert: "9 through 13"

And that this Free Conference Committee report be adopted.


For the Senate:


Chair, Sen. Weeding

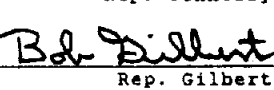

Sen. Bianchi

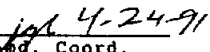
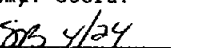

Sen. Beck

For the House:


Chair, Rep. Raney


Rep. Connelly


Rep. Gilbert


Ad. Coord.

Sec. of Senate

SENATE BILL NO. 94

INTRODUCED BY T. BECK, GILBERT, DRISCOLL, HARP,

RANEY, YELLOWTAIL, WEEDING, GRADY

BY REQUEST OF THE ENVIRONMENTAL QUALITY COUNCIL

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A GROUND WATER MONITORING PROGRAM AND A GROUND WATER CHARACTERIZATION PROGRAM; ESTABLISHING A GROUND WATER ASSESSMENT ACCOUNT; ~~ESTABLISHING---A---STATUTORY---APPROPRIATION;~~ INCREASING THE FILING FEE FOR NOTICE OF COMPLETION OF GROUND WATER DEVELOPMENT; INCREASING THE FILING FEE FOR PERMITS TO BENEFICIALLY USE GROUND WATER; DIRECTING THE BOARD OF WATER WELL CONTRACTORS TO AMEND RULE 36.21.415, ADMINISTRATIVE RULES OF MONTANA, TO INCREASE LICENSE FEES; ESTABLISHING A GROUND WATER ASSESSMENT STEERING COMMITTEE; DIRECTING THE MONTANA BUREAU OF MINES AND GEOLOGY TO ADMINISTER THE PROGRAMS; ~~AMENDING-SECTION-17-7-502,-MCA;~~ CHANGING THE NAME OF THE MONTANA RESOURCE INDEMNITY TRUST ACT; REALLOCATING A PORTION OF THE TAX PROCEEDS TO THE GROUND WATER ASSESSMENT ACCOUNT; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 15-38-101, 15-38-102, 15-38-106, 37-43-303, 37-43-307, 85-2-302, AND 85-2-306, MCA; AND PROVIDING AN EFFECTIVE DATE DATES AND A TERMINATION DATE."

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



NEW SECTION. **Section 1.** Short title. [Sections 1 through 6 7] may be cited as the "Montana Ground Water Assessment Act".

NEW SECTION. **Section 2.** Findings and purpose. (1) The legislature finds that:

(a) Montana's citizens depend on ground water for a variety of uses, including domestic, agricultural, industrial, irrigation, mining, municipal, power, and recreation, and for maintenance of ecosystems and surface water supplies;

(b) ground water supplies and quality are threatened by a variety of contaminant sources;

(c) there is insufficient information characterizing the volume, quality, and flow patterns of the state's ground water;

(d) ground water information deficiencies are hampering the efforts of citizens and units of government to properly manage, protect, and develop ground water;

(e) government policies and programs should focus on preventing ground water contamination and supply depletion, but in order for preventive policies and programs to be effective, better ground water information is required; and

(f) there is a need for better coordination among those numerous units of state, federal, and local government with responsibility for ground water management, protection, and

1 development.

2 (2) The purposes of [sections 1 through 6 7] are:

3 (a) to improve the quality of ground water management,
4 protection, and development decisions within the public and
5 private sectors by establishing a program to systematically
6 assess and monitor the state's ground water and to
7 disseminate the information to interested persons; and

8 (b) to improve coordination of ground water management,
9 protection, development, and research functions among units
10 of state, federal, and local government by establishing a
11 ground water assessment steering committee.

12 NEW SECTION. Section 3. Definitions. As used in
13 [sections 1 through 6 7], the following definitions apply:

14 (1) "Aquifer" means a water-bearing, subsurface
15 formation capable of yielding sufficient quantities of water
16 to a well for a beneficial use.

17 (2) "Ground water assessment steering committee" means
18 the committee established by [section 7 8].

19 (3) "Ground water characterization program" means a
20 program to systematically assess and document the
21 hydrogeology and quality of the state's major aquifers.

22 (4) "Ground water characterization study" means the
23 assessment of individual aquifers in specific areas within
24 the state.

25 (5) "Ground water monitoring program" means a program

1 to produce and maintain a long-term record of ground water
2 chemistry and water level changes, based on information
3 collected from a statewide network of observation wells.

4 NEW SECTION. Section 4. Ground water assessment
5 account. (1) There is a ground water assessment account
6 within the state special revenue fund established in
7 17-2-102. The Montana bureau of mines and geology is
8 authorized to expend amounts from the account necessary to
9 carry out the purposes of [sections 1 through 6 7].

10 (2) The account may be used by the Montana bureau of
11 mines and geology only to carry out the provisions of
12 [sections 1 through 6 7].

13 (3) Subject to the direction of the ground water
14 assessment steering committee, the Montana bureau of mines
15 and geology shall investigate opportunities for the
16 participation and financial contribution of agencies of
17 federal and local governments to accomplish the purposes of
18 [sections 1 through 6 7].

19 (4) There must be deposited in the account:

20 ~~(a) on July 1, 1991, and at the beginning of each~~
21 ~~succeeding fiscal year, 1% of the proceeds from the~~
22 ~~resource indemnity and ground water assessment~~ THERE IS
23 STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, 8-14-01
24 THE METAL MINE LICENSE 14-14-01 OF THE PROCEEDS FROM THE
25 RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT tax as

1 authorized-by-~~{bC-787}~~ ~~{HOUSE-BILL-NO-215}~~ ~~{bC-787}~~, unless
2 at--the--beginning--of--the--fiscal--year--the--unobligated--cash
3 balance--in--the--ground--water--assessment--account;

4 ~~{i}~~--equals--or--exceeds--\$666,000,--in--which--case--no
5 allocation--will--be--made--and--the--funds--must--be--deposited--in
6 the--resource--indemnity--trust--fund--established--by--15-38-201,
7 or

8 ~~{ii}~~--is--less--than--\$666,000,--in--which--case--an--amount
9 equal--to--the--difference--between--the--unobligated--cash--balance
10 and--\$666,000---must--be--allocated--to--the--ground--water
11 assessment--account--and--any--remaining--amount---must---be
12 deposited--in--the--resource--indemnity--trust--fund--established
13 by--15-38-201;

14 (A) THE PORTION OF THE APPLICATION FILING FEE FOR A
15 PERMIT TO BENEFICIALLY USE GROUND WATER, ALLOCATED PURSUANT
16 TO 85-2-302(2);

17 (B) THE PORTION OF THE FILING FEE FOR PROCESSING
18 NOTICES OF COMPLETION OF GROUND WATER DEVELOPMENT, ALLOCATED
19 PURSUANT TO 85-2-306(5);

20 (C) THE PORTION OF THE WATER WELL CONTRACTOR, DRILLER,
21 AND MONITORING WELL CONSTRUCTOR LICENSE FEE, ALLOCATED
22 PURSUANT TO 37-43-303(2), AND THE PORTION OF THE LICENSE
23 RENEWAL FEE, ALLOCATED PURSUANT TO 37-43-307(1);

24 (D) THE PORTION OF PUBLIC WATER SUPPLY SYSTEM FEES,
25 ALLOCATED PURSUANT TO [SECTION 4 OF SENATE BILL NO. 407];

1 ~~{b}~~(E) funds provided by federal or state government
2 agencies and by local governments to carry out the purposes
3 of [sections 1 through 6 7]; and

4 ~~{c}~~(F) funds provided by any other public or private
5 sector organization or person in the form of gifts, grants,
6 or contracts specifically designated to carry out the
7 purposes of [sections 1 through 6 7].

8 NEW SECTION. SECTION 5. GROUND WATER ASSESSMENT

9 ACCOUNT. (1) THERE IS A GROUND WATER ASSESSMENT ACCOUNT
10 WITHIN THE STATE SPECIAL REVENUE FUND ESTABLISHED IN
11 17-2-102. THE MONTANA BUREAU OF MINES AND GEOLOGY IS
12 AUTHORIZED TO EXPEND AMOUNTS FROM THE ACCOUNT NECESSARY TO
13 CARRY OUT THE PURPOSES OF [SECTIONS 1 THROUGH 7].

14 (2) THE ACCOUNT MAY BE USED BY THE MONTANA BUREAU OF
15 MINES AND GEOLOGY ONLY TO CARRY OUT THE PROVISIONS OF
16 [SECTIONS 1 THROUGH 7].

17 (3) SUBJECT TO THE DIRECTION OF THE GROUND WATER
18 ASSESSMENT STEERING COMMITTEE, THE MONTANA BUREAU OF MINES
19 AND GEOLOGY SHALL INVESTIGATE OPPORTUNITIES FOR THE
20 PARTICIPATION AND FINANCIAL CONTRIBUTION OF AGENCIES OF
21 FEDERAL AND LOCAL GOVERNMENTS TO ACCOMPLISH THE PURPOSES OF
22 [SECTIONS 1 THROUGH 7].

23 (4) THERE MUST BE DEPOSITED IN THE ACCOUNT:

24 (A) ON JULY 1, 1993, AND AT THE BEGINNING OF EACH
25 SUCCEEDING FISCAL YEAR, 14.1% OF THE PROCEEDS FROM THE

1 RESOURCE INDEMNITY AND GROUND WATER ASSESSMENT TAX AS
2 AUTHORIZED BY 15-38-106, UNLESS AT THE BEGINNING OF THE
3 FISCAL YEAR THE UNOBLIGATED CASH BALANCE IN THE GROUND WATER
4 ASSESSMENT ACCOUNT:

5 (I) EQUALS OR EXCEEDS \$666,000, IN WHICH CASE NO
6 ALLOCATION WILL BE MADE AND THE FUNDS MUST BE DEPOSITED IN
7 THE RESOURCE INDEMNITY TRUST FUND ESTABLISHED BY 15-38-201;
8 OR

9 (II) IS LESS THAN \$666,000, IN WHICH CASE AN AMOUNT
10 EQUAL TO THE DIFFERENCE BETWEEN THE UNOBLIGATED CASH BALANCE
11 AND \$666,000 MUST BE ALLOCATED TO THE GROUND WATER
12 ASSESSMENT ACCOUNT AND ANY REMAINING AMOUNT MUST BE
13 DEPOSITED IN THE RESOURCE INDEMNITY TRUST FUND ESTABLISHED
14 BY 15-38-201;

15 (B) FUNDS PROVIDED BY FEDERAL OR STATE GOVERNMENT
16 AGENCIES AND BY LOCAL GOVERNMENTS TO CARRY OUT THE PURPOSES
17 OF [SECTIONS 1 THROUGH 7]; AND

18 (C) FUNDS PROVIDED BY ANY OTHER PUBLIC OR PRIVATE
19 SECTOR ORGANIZATION OR PERSON IN THE FORM OF GIFTS, GRANTS,
20 OR CONTRACTS SPECIFICALLY DESIGNATED TO CARRY OUT THE
21 PURPOSES OF [SECTIONS 1 THROUGH 7].

22 NEW SECTION. Section 6. Ground water characterization
23 program -- ground water monitoring program. (1) There is a
24 ground water characterization program and a ground water
25 monitoring program.

1 (2) Subject to the direction of the ground water
2 assessment steering committee, the Montana bureau of mines
3 and geology shall establish and administer the ground water
4 characterization program and the ground water monitoring
5 program.

6 (3) The Montana bureau of mines and geology shall work
7 with units of local government, ground water users, and
8 other affected organizations and individuals in areas of the
9 state that are included in a ground water characterization
10 study and, if warranted by the level of local interest in a
11 ground water characterization study, shall establish a local
12 ground water assessment advisory committee.

13 (4) The ground water assessment steering committee
14 created by [section 7 8] shall:

15 (a) oversee expenditures from the ground water
16 assessment account and organization plans and work plans
17 proposed by the Montana bureau of mines and geology to
18 implement the ground water characterization and ground water
19 monitoring programs, including plans for local involvement
20 and participation in ground water characterization studies;

21 (b) approve ground water monitoring sites;

22 (c) prioritize and select ground water characterization
23 study areas;

24 (d) develop plans for ground water information
25 management and dissemination;

1 (e) develop plans for integrating existing ground water
2 information with information collected under the programs
3 created by subsection (1);

4 (f) coordinate ground water information collection
5 projects sponsored by individual units of state, federal, or
6 local government with the programs created by subsection
7 (1); and

8 (g) evaluate reports and other information produced by
9 the Montana bureau of mines and geology from ground water
10 characterization studies.

11 (5) The ground water assessment steering committee
12 shall invite representatives of local governments and Indian
13 tribes with jurisdiction over areas of the state that are
14 included in an active ground water characterization study or
15 in a study scheduled to begin in the ensuing biennium, as
16 well as affected citizens in these areas, to participate in
17 steering committee meetings.

18 NEW SECTION. **Section 7.** Ground water information
19 collection by local governments. Units of local government
20 may conduct ground water information collection projects in
21 advance of ground water characterization studies conducted
22 under the program created by [section 5†† 5(1)]. Local
23 governments shall consult with the Montana bureau of mines
24 and geology in designing local ground water information
25 collection projects and studies and, subject to local

1 funding availability, shall conduct the local projects and
2 studies to produce information that is compatible with the
3 type of information produced by the ground water
4 characterization program.

5 NEW SECTION. **Section 8.** Ground water assessment
6 steering committee. (1) There is a ground water assessment
7 steering committee consisting of an employee of each of the
8 following state agencies having responsibility for ground
9 water protection, management, or information who must be
10 appointed by the head of the respective state agency:

11 (a) the department of natural resources and
12 conservation;

13 (b) the department of health and environmental
14 sciences;

15 (c) the department of agriculture;

16 (d) the department of state lands; and

17 (e) the Montana state library, natural resource
18 information system.

19 (2) The ground water assessment steering committee may
20 include representatives of the following agencies and units
21 of government with expertise or management responsibility
22 related to ground water and representatives of the
23 organizations and groups specified in subsection †††††
24 (2)(H), who shall serve as ex officio members:

25 (a) the environmental quality council;

(B) THE BOARD OF OIL AND GAS CONSERVATION;

~~(b)~~(C) the Montana bureau of mines and geology;

~~(d)~~(D) a representative from 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;

~~(e)~~(E) a county government, appointed by an organization of Montana counties;

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

~~(g)~~(G) each principal federal agency having responsibility for ground water protection, management, or research, appointed by the Montana head of the respective federal agency; and

~~(h)~~(H) one representative of each of the following, appointed by the governor:

(i) agricultural water users;

(ii) industrial water users; and

(iii) a conservation or ecological protection organization.

(3) The ground water assessment steering committee shall elect a chairman from its voting members.

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

Section-8---Section-17-7-5027-MEA7-is-amended-to-read:

~~17-7-5027---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
effective7--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:---2-9-2027--2-17-1057--2-10-0127
10-3-2037--10-3-3127--10-3-3147--10-4-3017--13-37-3047--15-1-1117
15-25-1237--15-31-7027--15-36-1127--15-37-1177--15-65-1217
15-70-1017--16-1-4047--16-1-4107--16-1-4117--17-3-2127--17-5-4047
17-5-4247--17-5-8047--19-8-5047--19-9-7027--19-9-10077
19-10-2057--19-10-3057--19-10-5067--19-11-5127--19-11-5137
19-11-6067--19-12-3017--19-13-6047--20-6-4067--20-8-1117
20-9-3617--23-5-3067--23-5-4097--23-5-6107--23-5-6127--23-5-10167
23-5-10277--27-12-2067--37-51-5017--39-71-25047--53-6-1507
53-24-2067--61-2-4067--61-5-1217--67-3-2057--75-1-11017
75-5-11007--75-11-3137--76-12-1237--80-2-1037--82-11-1367~~

1 ~~82-11-1617-90-3-3817-90-4-2157-90-4-6137-90-6-3317-90-9-3867~~
2 ~~and section 137 House Bill No. 8617 laws of 1985 and~~
3 ~~section 4.~~

4 ~~(4) There is a statutory appropriation to pay the~~
5 ~~principal, interest, premiums, and costs of issuing, paying,~~
6 ~~and securing all bonds, notes, or other obligations, as due,~~
7 ~~that have been authorized and issued pursuant to the laws of~~
8 ~~Montana, Agencies that have entered into agreements~~
9 ~~authorized by the laws of Montana to pay the state~~
10 ~~treasurer for deposit in accordance with 17-2-101 through~~
11 ~~17-2-107, as determined by the state treasurer, an amount~~
12 ~~sufficient to pay the principal and interest as due on the~~
13 ~~bonds or notes have statutory appropriation authority for~~
14 ~~such payments. (in subsection (3), pursuant to sec. 10, Ch.~~
15 ~~664, b, 1987, the inclusion of 39-71-2504 terminates June~~
16 ~~30, 1991.)"~~

17 **SECTION 9.** SECTION 37-43-303, MCA, IS AMENDED TO READ:

18 "37-43-303. Application -- fee. (1) Except as provided
19 in 37-43-302(2), a person desiring to engage in the
20 drilling, making, construction, alteration, or
21 rehabilitation of one or more water or monitoring wells for
22 underground water in this state shall first file an
23 application with the department for a license. The
24 application must set forth the applicant's qualifications,
25 the equipment proposed to be used in the contracting, and

1 other matters required by the board on forms adopted by the
2 board.

3 (2) The department shall charge a fee prescribed by the
4 board for filing an application. The application shall not
5 be acted on until the fee has been paid. Fees collected
6 under this section shall must be deposited in the state
7 special revenue fund for the use of the board, except that
8 \$25 of the fee collected from each applicant for a water
9 well contractor license and \$15 of the fee collected from
10 each applicant for a water well driller license or a
11 monitoring well constructor license must be deposited in the
12 ground water assessment account established in [section 4].

13 (3) An appropriate license shall be issued to an
14 applicant if, in the opinion of the board, the applicant is
15 qualified to conduct water well or monitoring well
16 construction operations. In the granting of licenses, the
17 board shall have due regard for the interest of this state
18 in the protection of its underground waters."

19 **SECTION 10.** SECTION 37-43-307, MCA, IS AMENDED TO READ:

20 "37-43-307. Annual renewal -- fee -- revocation for
21 nonrenewal. (1) The term for licenses issued under this
22 chapter is from July 1 of each year through the following
23 June 30. After the payment of the initial fee under
24 37-43-303, a licensee shall pay, before the first day of
25 each license year, a renewal fee as prescribed by the board.

1 Renewal fees collected under this section must be deposited
 2 in the state special revenue fund for the use of the board,
 3 except that \$25 of the fee collected from each renewal of a
 4 water well contractor license or a monitoring well
 5 constructor license and \$15 of the fee collection from each
 6 renewal of a water well driller license must be deposited in
 7 the ground water assessment account established in [section
 8 4].

9 (2) If a licensee does not apply for renewal of his
 10 license before the first day of a license year and remit to
 11 the department the renewal fee, he shall have his license
 12 suspended by the board. If the license remains suspended for
 13 a period of more than 30 days after the first day of a
 14 license year, it shall be revoked by the board. However, the
 15 department, prior to this revocation, shall notify the
 16 licensee of the board's intention to revoke at least 10 days
 17 prior to the time set for action to be taken by the board on
 18 the license, by mailing notice to the licensee at the
 19 address appearing for the licensee in the records and files
 20 of the department. A license once revoked may not be
 21 reinstated unless it appears that an injustice has occurred
 22 indicating to the board that the licensee was not guilty of
 23 negligence or laches. If a person whose license has been
 24 revoked through his own fault desires to engage in the
 25 business of water well drilling or monitoring well

1 construction in this state or contracting therefor, he must
 2 apply under 37-43-303. Notice of suspension shall be given a
 3 licensee when the suspension occurs."

4 NEW SECTION. SECTION 11. BOARD TO AMEND RULE. THE
 5 BOARD OF WATER WELL CONTRACTORS SHALL AMEND RULE 36.21.415,
 6 ADMINISTRATIVE RULES OF MONTANA, AS FOLLOWS:

7 "36.21.415 FEE SCHEDULE

8	<u>(1) APPLICATION AND EXAMINATION</u>	
9	<u>(A) CONTRACTORS</u>	<u>\$250.00</u>
10		<u>\$275.00</u>
11	<u>(B) DRILLERS</u>	<u>150.00</u>
12		<u>165.00</u>
13	<u>(C) MONITORING WELL CONSTRUCTOR</u>	<u>150.00</u>
14		<u>165.00</u>
15	<u>(2) RE-EXAMINATION</u>	
16	<u>(A) WATER WELL CONTRACTOR</u>	<u>125.00</u>
17	<u>(B) WATER WELL DRILLER</u>	<u>75.00</u>
18	<u>(C) MONITORING WELL CONSTRUCTOR</u>	<u>75.00</u>
19	<u>(3) RENEWAL</u>	
20	<u>(A) CONTRACTOR</u>	<u>115.00</u>
21		<u>140.00</u>
22	<u>(B) DRILLER</u>	<u>75.00</u>
23		<u>90.00</u>
24	<u>(C) MONITORING WELL CONSTRUCTOR</u>	<u>115.00</u>
25		<u>140.00</u>

1	<u>(4) LATE RENEWAL</u>	<u>55.00</u>
2	<u>(IN ADDITION TO RENEWAL FEE)</u>	
3	<u>WILL BE CHARGED FOR ANY LICENSE</u>	
4	<u>NOT RENEWED PRIOR TO JULY 10</u>	
5	<u>(5) DUPLICATE CERTIFICATE</u>	<u>40.00</u>
6	<u>AND/OR LICENSE</u>	
7	<u>(6) CHANGE IN CONTRACTOR NAME AND/</u>	<u>40.00</u>
8	<u>OR ADDRESS</u>	
9	<u>(7) CHANGE IN RESPONSIBLE CONTRACTOR</u>	<u>40.00</u>
10	<u>(NEW DRILLER LICENSE FEE)</u>	
11	<u>(8) COPIES OF LAW AND RULES--PER PAGE</u>	<u>.20</u>
12	<u>(DRILLERS AND CONTRACTORS</u>	
13	<u>ARE EXEMPT FROM FEE)"</u>	

14 **SECTION 12. SECTION 85-2-302, MCA, IS AMENDED TO READ:**

15 **"85-2-302. Application for permit -- fee. (1) Except as**
 16 **otherwise provided in (1) through (3) of 85-2-306, a person**
 17 **may not appropriate water or commence construction of**
 18 **diversion, impoundment, withdrawal, or distribution works**
 19 **therefor except by applying for and receiving a permit from**
 20 **the department. The application shall be made on a form**
 21 **prescribed by the department. The department shall make the**
 22 **forms available through its offices and the offices of the**
 23 **county clerk and recorders. The department shall return a**
 24 **defective application for correction or completion, together**
 25 **with the reasons for returning it. An application does not**

1 lose priority of filing because of defects if the
 2 application is corrected, completed, and refiled with the
 3 department within 30 days after its return to the applicant
 4 or within a further time as the department may allow. If an
 5 application is not corrected and completed within 30 days or
 6 within a further time as the department allows, up to 3
 7 months, the priority date of the application shall be the
 8 date of refileing the application with the corrections with
 9 the department. An application not corrected within 3 months
 10 shall be terminated.

11 (2) In addition to the application filing fee
 12 prescribed by the board by rule pursuant to 85-2-113, a
 13 person applying for a permit under subsection (1) shall pay
 14 a fee of \$1 per acre-foot of ground water appropriated. The
 15 fees collected by the department under this subsection must
 16 be deposited in the ground water assessment account,
 17 established in [section 4], within the state special revenue
 18 fund."

19 **SECTION 13. SECTION 85-2-306, MCA, IS AMENDED TO READ:**

20 **"85-2-306. Exceptions to permit requirements -- fee.**
 21 **(1) Ground water may be appropriated only by a person who**
 22 **has a possessory interest in the property where the water is**
 23 **to be put to beneficial use and exclusive property rights in**
 24 **the ground water development works or, if another person has**
 25 **rights in the ground water development works, the written**

1 consent of the person with those property rights. Outside
 2 the boundaries of a controlled ground water area, a permit
 3 is not required before appropriating ground water by means
 4 of a well or developed spring with a maximum appropriation
 5 of less than 100 gallons per minute, except that a combined
 6 appropriation from the same source from two or more wells or
 7 developed springs exceeding this limitation requires a
 8 permit. Within 60 days of completion of the well or
 9 developed spring and appropriation of the ground water for
 10 beneficial use, the appropriator shall file a notice of
 11 completion with the department on a form provided by the
 12 department at its offices and at the offices of the county
 13 clerk and recorders and pay a \$20 filing fee. Upon receipt
 14 of the notice, the department shall review the notice and
 15 may, before issuing a certificate of water right, return a
 16 defective notice for correction or completion, together with
 17 the reasons for returning it. A notice does not lose
 18 priority of filing because of defects if the notice is
 19 corrected, completed, and refiled with the department within
 20 30 days or within a further time as the department may
 21 allow, not to exceed 6 months. If a notice is not corrected
 22 and completed within the time allowed, the priority date of
 23 appropriation shall be the date of refiling a correct and
 24 complete notice with the department. A certificate of water
 25 right may not be issued until a correct and complete notice

1 has been filed with the department. The original of the
 2 certificate shall be sent to the appropriator. The
 3 department shall keep a copy of the certificate in its
 4 office in Helena. The date of filing of the notice of
 5 completion is the date of priority of the right.

6 (2) An appropriator of ground water by means of a well
 7 or developed spring first put to beneficial use between
 8 January 1, 1962, and July 1, 1973, who did not file a notice
 9 of completion, as required by laws in force prior to April
 10 14, 1981, with the county clerk and recorder shall file a
 11 notice of completion, as provided in subsection (1) of this
 12 section, with the department to perfect the water right. The
 13 filing of a claim of existing water right pursuant to
 14 85-2-221 is sufficient notice of completion under this
 15 subsection. The priority date of the appropriation shall be
 16 the date of the filing of a notice as provided in subsection
 17 (1) of this section or the date of the filing of the claim
 18 of existing water right. An appropriation under this
 19 subsection is an existing right, and a permit is not
 20 required; however, the department shall acknowledge the
 21 receipt of a correct and complete filing of a notice of
 22 completion, except that for an appropriation of less than
 23 100 gallons per minute, the department shall issue a
 24 certificate of water right. If a certificate is issued
 25 under this section, a certificate need not be issued under

1 the adjudication proceedings provided for in 85-2-236.

2 (3) A permit is not required before constructing an
 3 impoundment or pit and appropriating water for use by
 4 livestock if the maximum capacity of the impoundment or pit
 5 is less than 15 acre-feet and the appropriation is less than
 6 30 acre-feet per year and is from a source other than a
 7 perennial flowing stream and the impoundment or pit is to be
 8 constructed on and will be accessible to a parcel of land
 9 that is owned or under the control of the applicant and that
 10 is 40 acres or larger. As used in this subsection, a
 11 perennial flowing stream means a stream which historically
 12 has flowed continuously at all seasons of the year, during
 13 dry as well as wet years. However, within 60 days after
 14 constructing the impoundment or pit, the appropriator shall
 15 apply for a permit as prescribed by this part. Upon receipt
 16 of a correct and complete application for a stockwater
 17 provisional permit, the department shall then automatically
 18 issue a provisional permit. If the department determines
 19 after a hearing that the rights of other appropriators have
 20 been or will be adversely affected, it may revoke the permit
 21 or require the permittee to modify the impoundment or pit
 22 and may then make the permit subject to such terms,
 23 conditions, restrictions, or limitations it considers
 24 necessary to protect the rights of other appropriators.

25 (4) A person may also appropriate water without

1 applying for or prior to receiving a permit under rules
 2 adopted by the board under 85-2-113.

3 (5) The IN ADDITION TO THE FILING FEE PRESCRIBED BY THE
 4 BOARD BY RULE PURSUANT TO 85-2-113, A PERSON FILING A NOTICE
 5 UNDER SUBSECTION (1) SHALL PAY A \$10 FEE, AND THE department
 6 shall deposit \$10 of each filing fee collected pursuant to
 7 subsection (1) in the ground water assessment account,
 8 established in [section 4], within the state special revenue
 9 fund."

10 **SECTION 14.** SECTION 15-38-101, MCA, IS AMENDED TO READ:

11 "15-38-101. Short title. This chapter shall be known
 12 and may be cited as "The Montana Resource Indemnity Trust
 13 and Ground Water Assessment Act"."

14 **SECTION 15.** SECTION 15-38-102, MCA, IS AMENDED TO READ:

15 "15-38-102. Legislative policy. It is the policy of the
 16 state of Montana to indemnify its citizens for the loss of
 17 long-term value resulting from the depletion of its mineral
 18 resource base and for environmental damage caused by mineral
 19 development. This policy of indemnification is achieved by
 20 establishing a permanent resource indemnity trust, as
 21 required by Article IX, section 2, of the Montana
 22 constitution, by supporting ground water assessment programs
 23 from the proceeds of a tax levied on mineral extraction, and
 24 by allocating spendable trust revenues:

25 (1) to protect and restore the environment from damages

1 resulting from mineral development; and

2 (2) to support a variety of development programs that
3 benefit the economy of the state and the lives of Montana
4 citizens; and

5 (3) to assess the state's ground water resources."

6 **SECTION 16. SECTION 15-38-106, MCA, IS AMENDED TO READ:**

7 "15-38-106. Payment of tax -- records -- collection of
8 taxes -- refunds. (1) The tax imposed by this chapter shall
9 be paid by each person to which the tax applies, on or
10 before March 31, on the value of product in the year
11 preceding January 1 of the year in which the tax is paid.
12 The tax shall be paid to the department at the time the
13 statement of yield for the preceding calendar year is filed
14 with the department.

15 (2) The department shall deposit the proceeds of the
16 tax in the resource indemnity trust fund of the
17 nonexpendable trust fund type, except that 14.1% of the
18 proceeds must be deposited in the ground water assessment
19 account established by [section 5]. Every person to whom the
20 tax applies shall keep records in accordance with 15-38-105,
21 and the records are subject to inspection by the department
22 upon reasonable notice during normal business hours.

23 (3) The department shall examine the statement and
24 compute the taxes thereon, and the amount computed by the
25 department shall be the taxes imposed, assessed against, and

1 payable by the taxpayer. If the tax found to be due is
2 greater than the amount paid, the excess shall be paid by
3 the taxpayer to the department within 30 days after written
4 notice of the amount of deficiency is mailed by the
5 department to the taxpayer. If the tax imposed is less than
6 the amount paid, the difference must be applied as a tax
7 credit against tax liability for subsequent years or
8 refunded if requested by the taxpayer."

9 NEW SECTION. SECTION 17. NAME CHANGE. IN THE
10 PROVISIONS OF THE MONTANA CODE ANNOTATED, THE CODE
11 COMMISSIONER IS INSTRUCTED TO CHANGE THE TERM "RESOURCE
12 INDEMNITY TRUST TAX", MEANING THE TAX CREATED BY TITLE 15,
13 CHAPTER 38, TO "RESOURCE INDEMNITY AND GROUND WATER
14 ASSESSMENT TAX".

15 NEW SECTION. SECTION 18. APPROPRIATION. THERE IS
16 APPROPRIATED TO THE MONTANA BUREAU OF MINES AND GEOLOGY FOR
17 THE BIENNIUM ENDING JUNE 30, 1993, ALL FUNDS IN THE GROUND
18 WATER ASSESSMENT ACCOUNT, ESTABLISHED IN [SECTION 4], IN THE
19 STATE SPECIAL REVENUE FUND, FOR PURPOSES OF ESTABLISHING A
20 GROUND WATER MONITORING PROGRAM AND A GROUND WATER
21 CHARACTERIZATION PROGRAM.

22 NEW SECTION. Section 19. Codification instruction. (1)
23 {Sections 1 through 6 } are intended to be codified as an
24 integral part of Title 85, chapter 2, and the provisions of
25 Title 85, chapter 2, apply to [sections 1 through 6].

1 (2) [Section 7 8] is intended to be codified as an
2 integral part of Title 2, chapter 15, part 15, and the
3 provisions of Title 2, chapter 15, part 15, apply to
4 [section 7 8].

5 **NEW SECTION. Section 20. Coordination instruction.** If
6 ~~{bE-787} HOUSE--BILL--NO--215 {bE-787} is-not-passed-and~~
7 ~~approved, {section-4(4)(a)}-is-void:~~ SENATE BILL NO. 407 IS
8 PASSED AND APPROVED AND DOES NOT CONTAIN A PROVISION THAT
9 ALLOCATES A PORTION OF PUBLIC WATER SUPPLY SYSTEM FEES TO
10 THE GROUND WATER ASSESSMENT ACCOUNT, THEN [SECTION 4(4)(D)
11 OF THIS ACT] IS VOID.

12 **NEW SECTION. Section 21. Effective date.** ~~[THIS ACT] IS~~
13 DATES. (1) [SECTIONS 1 THROUGH 4, 6 THROUGH 13, 18 THROUGH
14 20, 22, AND THIS SECTION] ARE effective July 1, 1991.

15 (2) [SECTIONS 5 AND 14 THROUGH 17] ARE EFFECTIVE JULY
16 1, 1993.

17 **NEW SECTION. SECTION 22. TERMINATION.** [SUBSECTIONS
18 (4)(A) THROUGH (4)(D) OF SECTION 4] AND [SECTIONS 8--THROUGH
19 12 9 THROUGH 13 OF THIS ACT] TERMINATE JULY 1, 1993.

-End-