

HOUSE BILL NO. 846

INTRODUCED BY ASAY, OCHSNER, ROTH, DEVLIN, CONROY, KEATING,
MC LANE, KEMMIS, CURTISS, SWITZER, HUENNEKENS, ZABROCKI, GALT,
GRAHAM

BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

IN THE HOUSE

March 17, 1981	Introduced and referred to Committee on Appropriations.
March 30, 1981	On motion rules were suspended to allow bill to be transmitted on the 75th legislative day.
April 2, 1981	Committee recommend bill do pass as amended. Report adopted.
April 3, 1981	Bill printed and placed on members' desks.
	Bill rereferred to the Select Committee on Water.
April 4, 1981	Transmittal date extended to the 76th legislative day.
April 6, 1981	Committee recommend bill do pass. Report adopted.
	On motion rules were suspended and bill placed on second reading this day.
	Second reading, do pass as amended.
	On motion rules were suspended and bill placed on third reading this day.
	Third reading, passed. Ayes, 95; Noes, 0. Transmitted to Senate.

IN THE SENATE

April 7, 1981

By consent and motion bill
allowed to be received and
considered this session.

Introduced and referred
to Committee on Finance
and Claims.

April 15, 1981

Committee recommend bill
be concurred in. Report
adopted.

April 17, 1981

Second reading, concurred
in.

On motion rules suspended
Bill placed on calendar for
third reading this day.

Third reading, concurred in.
Ayes, 49; Noses, 1.

IN THE HOUSE

April 20, 1981

Returned from Senate.
Concurred in. Sent to
enrolling.

Reported correctly enrolled.

1 HOUSE BILL NO. 846 Section 4
2 INTRODUCED BY Asay, Dehaven, Petty, Berlin, Conroy
3 Major Komiske BY REQUEST OF Curtis Justice
4 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
5 Zaborski, Helf, Brothman

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE FUNDS TO
7 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR THE
8 REHABILITATION OF THE TONGUE RIVER DAM AND TO APPROVE THE
9 ISSUANCE OF STATE OF MONTANA COAL SEVERANCE TAX BONDS FOR A
10 STATE-FEDERAL COST SHARE OF THE TONGUE RIVER DAM
11 REHABILITATION CONSTRUCTION COSTS; AND PROVIDING AN
12 IMMEDIATE EFFECTIVE DATE."

14 WHEREAS, the Tongue River Dam is in a dangerously
15 unsafe condition; a flood, which is expected to occur once
16 every 68 years, is capable of washing out the present dam;
17 and the dam almost failed during a flood that occurred in
18 the spring of 1978 and would have failed during a flood that

20 WHEREAS, dam failure would result in devastating
21 property damage downstream along the Tongue River and to the
22 communities of Birney and Ashland and might cause loss of
23 life; and

24 WHEREAS, an enlarged Tongue River reservoir that is
25 federally funded and jointly managed by the Northern

1 Cheyenne Tribe, the Department of Natural Resources and
2 Conservation, and the federal government can provide a
3 cost-effective means of preserving all existing project
4 benefits, provide water for future agricultural and tribal
5 use, and provide sufficient water to facilitate the
6 negotiation of a compact between the Northern Cheyenne Tribe
7 and the Reserved Water Rights Compact Commission regarding
8 tribal rights to water from the Tongue River; and
9 WHEREAS, a state cost share is essential in
10 expeditiously securing the federal funds necessary to
11 construct a joint tribal-federal-state project.

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

14 Section 1. Appropriation for rehabilitation of the

15 Tongue River Dam. (1) There is appropriated to the

16 department of natural resources and conservation for

17 pursuing the option to rehabilitate the Tongue River Dam as

18 recommended in the department of natural resources and

19 conservation's report to the legislature, "Tongue River Dam

20 Project Summary Report":

21 (a) from the net earnings available for appropriation
22 in the resource indemnity trust account, created by
23 15-38-201, the sum of \$40,732 for the period beginning on
24 the effective date of this act and ending June 30, 1981; and
25 (b) from the water development earmarked account,

1 created by section 5, Senate Bill 409, out of funds
 2 available under section 5(3)(b), Senate Bill 409, the sum of
 3 \$395,331 for the biennium ending June 30, 1983.

4 (2) The department shall:

5 (a) maintain the reservoir at the lowest level
 6 possible to meet existing water contracts until safety and
 7 other problems with the dam are rectified;

8 (b) develop, implement, and maintain an emergency
 9 warning and downstream evacuation system for residents
 10 living below the Tongue River Dam;

11 (c) work with the Northern Cheyenne Tribe and the
 12 federal government to develop a jointly managed and funded
 13 project on the Tongue River that provides for a larger
 14 reservoir behind a safe dam; and

15 (d) cooperate with the Northern Cheyenne Tribe and the
 16 reserved water rights compact commission, established in
 17 2-15-212, to reach a negotiated settlement of the tribe's
 18 water right in conjunction with a joint tribal-state
 19 rehabilitation of Tongue River Dam.

20 Section 2. Authorization of state of Montana coal
 21 severance tax bonds for Tongue River Dam rehabilitation. (1)
 22 The board of examiners is hereby authorized to issue up to
 23 \$10 million worth of state of Montana coal severance tax
 24 bonds pursuant to sections 25 through 44 of Senate Bill 409
 25 for the state of Montana's share of the construction costs

1 of the Tongue River Dam rehabilitation as established in a
 2 joint sharing of project costs between the state, the
 3 federal government, and the Northern Cheyenne Tribe. This
 4 authorization is contingent upon approval by the board of
 5 natural resources and conservation of a detailed project
 6 plan that includes a resolution of Northern Cheyenne water
 7 right conflicts in the Tongue River Basin and upon the
 8 appropriation of federal funds to construct the project
 9 approved by the board of natural resources and conservation.

10 (2) The state of Montana's share of any revenues from
 11 the rehabilitated Tongue River Dam is pledged first for the
 12 state of Montana's share of the operation and maintenance
 13 costs of the rehabilitated Tongue River Dam. The excess, if
 14 any, of revenues over the operation and maintenance costs is
 15 pledged and allocated to a special bond account, which shall
 16 be part of the sinking fund of the state treasury fund
 17 structure, for the benefit of the bonds approved by this
 18 section. The excess, if any, of revenues over debt service
 19 and operation and maintenance costs is allocated to the
 20 water development earmarked account.

21 Section 3. Effective date. This act is effective on
 22 passage and approval.

-End-

Approved by Comm.
on Appropriations

1 HOUSE BILL NO. 846

2 INTRODUCED BY ASAY, OCHSNER, ROTH, DEVLIN, CONROY,
3 KEATING, MCLANE, KEMMIS, CURTISS, SWITZER,
4 HUENNEKENS, ZABROCKI, GALT, GRAHAM
5 BY REQUEST OF
6 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

7
8 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE FUNDS TO
9 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR THE
10 REHABILITATION OF THE TONGUE RIVER DAM AND TO APPROVE THE
11 ISSUANCE OF STATE OF MONTANA COAL SEVERANCE TAX BONDS FOR A
12 STATE-FEDERAL COST SHARE OF THE TONGUE RIVER DAM
13 REHABILITATION CONSTRUCTION COSTS; AND PROVIDING AN
14 IMMEDIATE EFFECTIVE DATE."

15
16 WHEREAS, the Tongue River Dam, BECAUSE OF AN UNDERSIZED
17 SPILLWAY, is in a dangerously unsafe condition; a flood,
18 which is expected to occur once every 68 years, is capable
19 of washing out the present dam; and the dam almost failed
20 during a flood that occurred in the spring of 1978 and would
21 have failed during a flood that occurred in 1923 had the dam
22 been in place at that time; and

23 WHEREAS, dam failure would result in devastating
24 property damage downstream along the Tongue River and to the
25 communities of Birney and Ashland and might cause loss of

1 life; and

2 WHEREAS, an enlarged Tongue River reservoir that is
3 federally funded and jointly managed by the Northern
4 Cheyenne Tribe, the Department of Natural Resources and
5 Conservation, and the federal government can provide a
6 cost-effective means of preserving all existing project
7 benefits, provide water for future agricultural and tribal
8 use; PROVIDE FOR THE PRESERVATION OF THE RECREATIONAL AND
9 FISHERY VALUES; and provide sufficient water to facilitate
10 the negotiation of a compact between the Northern Cheyenne
11 Tribe and the Reserved Water Rights Compact Commission
12 regarding tribal rights to water from the Tongue River; and
13 WHEREAS, a state cost share is essential in
14 expeditiously securing the federal funds necessary to
15 construct a joint tribal-federal-state project.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18 Section 1. Appropriation for rehabilitation of the
19 Tongue River Dam. (1) There is appropriated to the
20 department of natural resources and conservation for
21 pursuing the option to rehabilitate the Tongue River Dam as
22 recommended in the department of natural resources and
23 conservation's report to the legislature, "Tongue River Dam
24 Project Summary Report":
25 (a) from the net earnings available for appropriation

1 in the resource--indemnity--trust--account--created--by
 2 ~~15-38-204, RENEWABLE RESOURCE DEVELOPMENT BOND ACCOUNT,~~
 3 ~~PROVIDED FOR IN 15-35-108(2)(G),~~ the sum of \$40,732 for the
 4 period beginning on the effective date of this act and
 5 ending June 30, 1981; and

6 (b) from the water development earmarked account,
 7 created by section 5, Senate Bill 409, out of funds
 8 available under section 5(3)(b), Senate Bill 409, the sum of
 9 \$395,331 for the biennium ending June 30, 1983.

10 (2) The department shall:

11 (a) maintain the reservoir at the lowest level
 12 possible to meet existing water contracts until safety and
 13 other problems with the dam are rectified;

14 (b) develop, implement, and maintain an emergency
 15 warning and downstream evacuation system for residents
 16 living below the Tongue River Dam;

17 (c) work with the Northern Cheyenne Tribe and the
 18 federal government to develop a jointly managed and funded
 19 project on the Tongue River that provides for a larger
 20 reservoir behind a safe dam; and

21 (d) cooperate with the Northern Cheyenne Tribe and the
 22 reserved water rights compact commission, established in
 23 2-15-212, to reach a negotiated settlement of the tribe's
 24 water right in conjunction with a joint tribal-state
 25 rehabilitation of Tongue River Dam.

1 Section 2. Authorization of state of Montana coal
 2 severance tax bonds for Tongue River Dam rehabilitation. (1)
 3 The board of examiners is hereby authorized to issue up to
 4 \$10 million worth of state of Montana coal severance tax
 5 bonds pursuant to sections ~~25~~ 24 through ~~44~~ 42 of Senate
 6 Bill 409 for the state of Montana's share of the
 7 construction costs of the Tongue River Dam rehabilitation as
 8 established in a joint sharing of project costs between the
 9 state, the federal government, and the Northern Cheyenne
 10 Tribe. This authorization is contingent upon LEGISLATIVE
 11 approval ~~by-the-board-of-natural-resources-and-conservation~~
 12 of a detailed project plan APPROVED BY THE BOARD OF NATURAL
 13 RESOURCES AND CONSERVATION that includes a resolution of
 14 Northern Cheyenne water right conflicts in the Tongue River
 15 Basin and upon the appropriation of federal funds to
 16 construct the project approved by the board of natural
 17 resources and conservation AND LEGISLATURE.

18 (2) The state of Montana's share of any revenues from
 19 the rehabilitated Tongue River Dam is pledged first for the
 20 state of Montana's share of the operation and maintenance
 21 costs of the rehabilitated Tongue River Dam. The excess, if
 22 any, of revenues over the operation and maintenance costs is
 23 pledged and allocated to a special bond account, which shall
 24 be part of the sinking fund of the state treasury fund
 25 structure, for the benefit of the bonds approved by this

1 section. The excess, if any, of revenues over debt service
2 and operation and maintenance costs is allocated to the
3 water development earmarked account.

4 Section 3. Effective date. This act is effective on
5 passage and approval.

-End-

HOUSE BILL NO. 846

2 INTRODUCED BY ASAY, OCHSNER, ROTH, DEVLIN, CONROY,
3 KEATING, McLANE, KEMMIS, CURTISS, SWITZER,
4 HUENNEKENS, ZABROCKI, GALT, GRAHAM
5 BY REQUEST OF
6 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

8 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE FUNDS TO
9 THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR THE
10 REHABILITATION OF THE TONGUE RIVER DAM AND TO APPROVE THE
11 ISSUANCE OF STATE OF MONTANA COAL SEVERANCE TAX BONDS FOR A
12 STATE-FEDERAL COST SHARE OF THE TONGUE RIVER DAM
13 REHABILITATION CONSTRUCTION COSTS; AND PROVIDING AN
14 IMMEDIATE EFFECTIVE DATE."

16 WHEREAS, the Tongue River Dam, BECAUSE OF AN UNDERSIZED
17 SPILLWAY, is in a dangerously unsafe condition; a flood,
18 which is expected to occur once every 68 years, is capable
19 of washing out the present dam; and the dam almost failed
20 during a flood that occurred in the spring of 1978 and would
21 have failed during a flood that occurred in 1923 had the dam
22 been in place at that time; and

23 WHEREAS, dam failure would result in devastating
24 property damage downstream along the Tongue River and to the
25 communities of Birney and Ashland and might cause loss of

1 *Lifei and*

2 WHEREAS, an enlarged Tongue River reservoir that is
3 federally funded and jointly managed by the Northern
4 Cheyenne Tribe, the Department of Natural Resources and
5 Conservation, and the federal government can provide a
6 cost-effective means of preserving all existing project
7 benefits, provide water for future agricultural and tribal
8 use, PROVIDE FOR THE PRESERVATION OF THE RECREATIONAL AND
9 FISHERY VALUES, and provide sufficient water to facilitate
10 the negotiation of a compact between the Northern Cheyenne
11 Tribe and the Reserved Water Rights Compact Commission
12 regarding tribal rights to water from the Tongue River; and
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14 WHEREAS, a state cost share is essential in
15 expeditiously securing the federal funds necessary to
construct a joint tribal-federal-state project.

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

18 Section 1. Appropriation for rehabilitation of the

19 Tongue River Dam. (1) There is appropriated to the

20 department of natural resources and conservation for

21 pursuing the option to rehabilitate the Tongue River Dam as

22 recommended in the department of natural resources and

23 conservation's report to the legislature, "Tongue River Dam

24 Project Summary Report":

25 (a) from the net earnings available for appropriation

1 in the resource--indemnity--trust--account--created--by
 2 ~~15-38-201+~~ RENEWABLE RESOURCE DEVELOPMENT BOND ACCOUNT
 3 PROVIDED FOR IN ~~15-35-10012116+~~ 90-2-102(4), the sum of
 4 \$40,732 for the period beginning on the effective date of
 5 this act and ending June 30, 1981; and

6 (b) from the water development earmarked account,
 7 created by section 5, Senate Bill 409, out of funds
 8 available under section 5(3)(b), Senate Bill 409, the sum of
 9 \$395,331 for the biennium ending June 30, 1983.

10 (2) The department shall:

11 (a) maintain the reservoir at the lowest level
 12 possible to meet existing water contracts until safety and
 13 other problems with the dam are rectified;

14 (b) develop, implement, and maintain an emergency
 15 warning and downstream evacuation system for residents
 16 living below the Tongue River Dam;

17 (c) work with the Northern Cheyenne Tribe and the
 18 federal government to develop a jointly managed and funded
 19 project on the Tongue River that provides for a larger
 20 reservoir behind a safe dam; and

21 (d) cooperate with the Northern Cheyenne Tribe and the
 22 reserved water rights compact commission, established in
 23 2-15-212, to reach a negotiated settlement of the tribe's
 24 water right in conjunction with a joint tribal-state
 25 rehabilitation of Tongue River Dam.

1 Section 2. Authorization of state of Montana coal
 2 severance tax bonds for Tongue River Dam rehabilitation. (1)
 3 THE LEGISLATURE, THROUGH THE ENACTMENT OF THIS SECTION BY A
 4 VOTE OF THREE-FOURTHS (3/4) OF THE MEMBERS OF EACH HOUSE OF
 5 THE LEGISLATURE AS REQUIRED BY ARTICLE IX, SECTION 5 OF THE
 6 MONTANA CONSTITUTION, APPROPRIATES FROM THE SEVERANCE TAX
 7 BOND SUBFUND ALL MONEY NECESSARY FOR THE PAYMENT OF ANY
 8 PRINCIPAL AND INTEREST NOT PROVIDED FOR IN SUBSECTION (2) OF
 9 THIS SECTION. THE LEGISLATURE, THROUGH THE ENACTMENT OF
 10 THIS SECTION BY A VOTE OF THREE-FOURTHS (3/4) OF THE MEMBERS
 11 OF EACH HOUSE OF THE LEGISLATURE, INCORPORATES BY REFERENCE
 12 SECTIONS 24 THROUGH 42 OF SENATE BILL 409 AS PART OF THE
 13 APPROPRIATION AUTHORIZED BY THIS SECTION.

14 (2) THE LEGISLATURE, THROUGH THE ENACTMENT OF THIS
 15 SECTION BY A TWO-THIRDS VOTE OF THE MEMBERS OF EACH HOUSE OF
 16 THE LEGISLATURE, AUTHORIZES THE CREATION OF A STATE DEBT IN
 17 AN AMOUNT NOT TO EXCEED \$10 MILLION FOR THE ISSUANCE OF
 18 STATE OF MONTANA COAL SEVERANCE TAX BONDS AUTHORIZED BY THIS
 19 SECTION.

20 ~~(3)~~ The board of examiners is hereby authorized to
 21 issue up to \$10 million worth of state of Montana coal
 22 severance tax bonds pursuant to sections ~~25~~ 24 through ~~44~~ 42
 23 of Senate Bill 409 for the state of Montana's share of the
 24 construction costs of the Tongue River Dam rehabilitation as
 25 established in a joint sharing of project costs between the

1 state, the federal government, and the Northern Cheyenne
2 Tribe. This authorization is contingent upon LEGISLATIVE
3 approval ~~by-the-board-of-natural-resources-and-conservation~~
4 of a detailed project plan APPROVED BY THE BOARD OF NATURAL
5 RESOURCES AND CONSERVATION that includes a resolution of
6 Northern Cheyenne water right conflicts in the Tongue River
7 Basin and upon the appropriation of federal funds to
8 construct the project approved by the board of natural
9 resources and conservation AND LEGISLATURE.

10 ~~12~~(4) The state of Montana's share of any revenues
11 from the rehabilitated Tongue River Dam is pledged first for
12 the state of Montana's share of the operation and
13 maintenance costs of the rehabilitated Tongue River Dam. The
14 excess, if any, of revenues over the operation and
15 maintenance costs is pledged and allocated to a special bond
16 account, which shall be part of the sinking fund of the
17 state treasury fund structure, for the benefit of the bonds
18 approved by this section. The excess, if any, of revenues
19 over debt service and operation and maintenance costs is
20 allocated to the water development earmarked account.

21 Section 3. Effective date. This act is effective on
22 passage and approval.

-End-

HOUSE BILL NO. 846

INTRODUCED BY ASAY, OCHSNER, ROTH, DEVLIN, CONROY,
KEATING, MCCLANE, KEMMIS, CURTISS, SWITZER,
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BY REQUEST OF
THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

8 A BILL FOR AN ACT ENTITLED: "AN ACT TO APPROPRIATE FUNDS TO
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10 REHABILITATION OF THE TONGUE RIVER DAM AND TO APPROVE THE
11 ISSUANCE OF STATE OF MONTANA COAL SEVERANCE TAX BONDS FOR A
12 STATE-FEDERAL COST SHARE OF THE TONGUE RIVER DAM
13 REHABILITATION CONSTRUCTION COSTS; AND PROVIDING AN
14 IMMEDIATE EFFECTIVE DATE."

16 WHEREAS, the Tongue River Dam, BECAUSE OF AN UNDERSIZED
17 SPILLWAY, is in a dangerously unsafe condition; a flood,
18 which is expected to occur once every 68 years, is capable
19 of washing out the present dam; and the dam almost failed
20 during a flood that occurred in the spring of 1978 and would
21 have failed during a flood that occurred in 1923 had the dam
22 been in place at that time; and

23 WHEREAS, dam failure would result in devastating
24 property damage downstream along the Tongue River and to the
25 communities of Birney and Ashland and might cause loss of

1 Life; and

2 WHEREAS, an enlarged Tongue River reservoir that is
3 federally funded and jointly managed by the Northern
4 Cheyenne Tribe, the Department of Natural Resources and
5 Conservation, and the federal government can provide a
6 cost-effective means of preserving all existing project
7 benefits, provide water for future agricultural and tribal
8 use, PROVIDE FOR THE PRESERVATION OF THE RECREATIONAL AND
9 FISHERY VALUES, and provide sufficient water to facilitate
10 the negotiation of a compact between the Northern Cheyenne
11 Tribe and the Reserved Water Rights Compact Commission
12 regarding tribal rights to water from the Tongue River; and
13 WHEREAS, a state cost share is essential in
14 expeditiously securing the federal funds necessary to
15 construct a joint tribal-federal-state project.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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19 Section 1. Appropriation for rehabilitation of the
20 Tongue River Dam. (1) There is appropriated to the
21 department of natural resources and conservation for
22 pursuing the option to rehabilitate the Tongue River Dam as
23 recommended in the department of natural resources and
24 conservation's report to the legislature, "Tongue River Dam
Project Summary Report":

25 (a) from the net earnings available for appropriation

1 in the resource--indemnity--trust--account--created--by
 2 ~~15-38-201~~ RENEWABLE RESOURCE DEVELOPMENT BOND ACCOUNT,
 3 PROVIDED FOR IN 15-35-108~~12~~¹⁶ 90-2-102(4), the sum of
 4 \$40,732 for the period beginning on the effective date of
 5 this act and ending June 30, 1981; and

6 (b) from the water development earmarked account,
 7 created by section 5, Senate Bill 409, out of funds
 8 available under section 5(3)(b), Senate Bill 409, the sum of
 9 \$395,331 for the biennium ending June 30, 1983.

10 (2) The department shall:

11 (a) maintain the reservoir at the lowest level
 12 possible to meet existing water contracts until safety and
 13 other problems with the dam are rectified;

14 (b) develop, implement, and maintain an emergency
 15 warning and downstream evacuation system for residents
 16 living below the Tongue River Dam;

17 (c) work with the Northern Cheyenne Tribe and the
 18 federal government to develop a jointly managed and funded
 19 project on the Tongue River that provides for a larger
 20 reservoir behind a safe dam; and

21 (d) cooperate with the Northern Cheyenne Tribe and the
 22 reserved water rights compact commission, established in
 23 2-15-212, to reach a negotiated settlement of the tribe's
 24 water right in conjunction with a joint tribal-state
 25 rehabilitation of Tongue River Dam.

1 Section 2. Authorization of state of Montana coal
 2 severance tax bonds for Tongue River Dam rehabilitation. (1)
 3 THE LEGISLATURE, THROUGH THE ENACTMENT OF THIS SECTION BY A
 4 VOTE OF THREE-FOURTHS (3/4) OF THE MEMBERS OF EACH HOUSE OF
 5 THE LEGISLATURE AS REQUIRED BY ARTICLE IX, SECTION 5 OF THE
 6 MONTANA CONSTITUTION, APPROPRIATES FROM THE SEVERANCE TAX
 7 BOND SUBFUND ALL MONEY NECESSARY FOR THE PAYMENT OF ANY
 8 PRINCIPAL AND INTEREST NOT PROVIDED FOR IN SUBSECTION (2) OF
 9 THIS SECTION. THE LEGISLATURE, THROUGH THE ENACTMENT OF
 10 THIS SECTION BY A VOTE OF THREE-FOURTHS (3/4) OF THE MEMBERS
 11 OF EACH HOUSE OF THE LEGISLATURE, INCORPORATES BY REFERENCE
 12 SECTIONS 24 THROUGH 42 OF SENATE BILL 409 AS PART OF THE
 13 APPROPRIATION AUTHORIZED BY THIS SECTION.

14 (2) THE LEGISLATURE, THROUGH THE ENACTMENT OF THIS
 15 SECTION BY A TWO-THIRDS VOTE OF THE MEMBERS OF EACH HOUSE OF
 16 THE LEGISLATURE, AUTHORIZES THE CREATION OF A STATE DEBT IN
 17 AN AMOUNT NOT TO EXCEED \$10 MILLION FOR THE ISSUANCE OF
 18 STATE OF MONTANA COAL SEVERANCE TAX BONDS AUTHORIZED BY THIS
 19 SECTION.

20 ~~(3)~~ The board of examiners is hereby authorized to
 21 issue up to \$10 million worth of state of Montana coal
 22 severance tax bonds pursuant to sections ~~25~~ 24 through ~~44~~ 42
 23 of Senate Bill 409 for the state of Montana's share of the
 24 construction costs of the Tongue River Dam rehabilitation as
 25 established in a joint sharing of project costs between the

1 state, the federal government, and the Northern Cheyenne
2 Tribe. This authorization is contingent upon LEGISLATIVE
3 approval by-the-board-of-natural-resources-and-conservation
4 of a detailed project plan APPROVED BY THE BOARD OF NATURAL
5 RESOURCES AND CONSERVATION that includes a resolution of
6 Northern Cheyenne water right conflicts in the Tongue River
7 Basin and upon the appropriation of federal funds to
8 construct the project approved by the board of natural
9 resources and conservation AND LEGISLATURE.

10 ~~to~~¹⁴ The state of Montana's share of any revenues
11 from the rehabilitated Tongue River Dam is pledged first for
12 the state of Montana's share of the operation and
13 maintenance costs of the rehabilitated Tongue River Dam. The
14 excess, if any, of revenues over the operation and
15 maintenance costs is pledged and allocated to a special bond
16 account, which shall be part of the sinking fund of the
17 state treasury fund structure, for the benefit of the bonds
18 approved by this section. The excess, if any, of revenues
19 over debt service and operation and maintenance costs is
20 allocated to the water development earmarked account.

21 Section 3. Effective date. This act is effective on
22 passage and approval.

-End-