

HOUSE BILL NO. 74

INTRODUCED BY WANZENRIED, GILBERT, GROSFIELD, HALLIGAN  
BY REQUEST OF THE RESERVED WATER RIGHTS COMPACT COMMISSION

IN THE HOUSE

DECEMBER 7, 1993

INTRODUCED AND REFERRED TO COMMITTEE  
ON NATURAL RESOURCES.

FIRST READING.

DECEMBER 9, 1993

COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

PRINTING REPORT.

DECEMBER 10, 1993

SECOND READING, DO PASS.

ENGROSSING REPORT.

THIRD READING, PASSED.  
AYES, 94; NOES, 3.

TRANSMITTED TO SENATE.

IN THE SENATE

DECEMBER 10, 1993

INTRODUCED AND REFERRED TO COMMITTEE  
ON JUDICIARY.

FIRST READING.

DECEMBER 14, 1993

COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

DECEMBER 15, 1993

THIRD READING, CONCURRED IN.  
AYES, 48; NOES, 1.

RETURNED TO HOUSE.

## IN THE HOUSE

DECEMBER 15, 1993

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 74 Hallgren  
2 INTRODUCED BY Wanzendorf Dillert Wanzendorf

3 BY REQUEST OF THE RESERVED WATER RIGHTS COMPACT COMMISSION

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING CONSENT TO  
6 THE NORTHERN CHEYENNE INDIAN RESERVED WATER RIGHTS  
7 SETTLEMENT ACT OF 1992 AND CERTAIN SPECIFIED AMENDMENTS TO  
8 THAT ACT; CONFORMING THE NORTHERN CHEYENNE-MONTANA WATER  
9 RIGHTS COMPACT TO THAT ACT; AND PROVIDING AN IMMEDIATE  
10 EFFECTIVE DATE."

11  
12 WHEREAS, in accordance with section 85-2-702, MCA, the  
13 52nd Montana Legislature ratified the Northern  
14 Cheyenne-Montana Compact as Chapter 812, Laws of 1991; and

15 WHEREAS, by its terms, the Compact required the  
16 participation of the United States in the project to repair  
17 and rehabilitate the Tongue River Dam in southeastern  
18 Montana, which required certain authorizations and  
19 appropriations by the Congress of the United States; and

20 WHEREAS, in the Northern Cheyenne Indian Reserved Water  
21 Rights Settlement Act of 1992, referred to in this preamble  
22 as the federal act (Public Law 102-374, 106 Stat. 1186),  
23 Congress approved the Compact and obligated, under certain  
24 terms and conditions, the federal government and the state  
25 to provide funding for the project; and

1 WHEREAS, because of a clerical error in the federal act  
2 Montana may lose some of the federal funding for the  
3 project, and accordingly, Congress, in S. 1654 (103d Cong.  
4 1st Sess.), is considering an amendment to correct that  
5 error; and

6 WHEREAS, some of the terms of the federal act and the  
7 pending amendment vary from the Compact, thereby creating  
8 uncertainty in efforts to obtain federal funding for the  
9 project and secure judicial approval of the Compact; and

10 WHEREAS, the Northern Cheyenne Tribe, the Montana  
11 Reserved Water Rights Compact Commission, and the Montana  
12 Department of Natural Resources and Conservation have given  
13 their consent to, adopted, and ratified the terms of the  
14 federal act and the pending amendment; and

15 WHEREAS, the judicial confirmation of the Compact and  
16 timely completion of the project is of high priority to the  
17 State of Montana, the Northern Cheyenne Tribe, and the  
18 United States.

19 THEREFORE, the 53rd Legislature of the State of Montana,  
20 meeting in special session, finds it appropriate to give its  
21 consent to, adopt, and ratify the terms and conditions of  
22 the federal act and the pending amendment and to modify the  
23 Compact to the extent necessary to conform therewith.

24  
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1        NEW SECTION.    **Section 1.** Consent to federal act and  
 2    **modification of compact.** (1) Pursuant to Article V, section  
 3    A.1., of the Northern Cheyenne-Montana Compact, section  
 4    85-20-301, MCA, the Legislature hereby gives its consent to,  
 5    ratifies, and adopts the Northern Cheyenne Indian Reserved  
 6    Water Rights Settlement Act of 1992 (Public Law 102-374, 106  
 7    Stat. 1186). This consent includes:

8        (a) any amendment to the act that clarifies that  
 9    environmental compliance costs for the Tongue River Dam  
 10   Project are the responsibility of the federal government; or

11       (b) any amendment to section 4(c) of the act that  
 12   provides that, except for the authorizations contained in  
 13   subsections 7(b)(1)(A), 7(b)(1)(B), and 7(e), the  
 14   authorization of appropriations in the act are not effective  
 15   until such time as the Montana water court enters and  
 16   approves a decree as provided in subsection 4(d) of the act.

17       (2) The provisions of the compact that are inconsistent  
 18   with the federal act or with the amendments specified in  
 19   subsections (1)(a) and (1)(b) of this section shall be  
 20   deemed to be modified to the extent necessary to conform  
 21   therewith.

22       NEW SECTION.    **Section 2.** Codification       instruction.  
 23   [Section 1] is intended to be codified as an integral part  
 24   of Title 85, chapter 20, part 3, and the provisions of Title  
 25   85, chapter 20, part 3, apply to [section 1].

1       NEW SECTION.    **Section 3.** Effective date. [This act] is  
 2    effective on passage and approval.

-End-

APPROVED BY COMM. ON  
NATURAL RESOURCES

1 House BILL NO. 74 Hallgren  
2 INTRODUCED BY Wanzel Billent Griffith  
3 BY REQUEST OF THE RESERVED WATER RIGHTS COMPACT COMMISSION  
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8 THAT ACT; CONFORMING THE NORTHERN CHEYENNE-MONTANA WATER  
9 RIGHTS COMPACT TO THAT ACT; AND PROVIDING AN IMMEDIATE  
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16 participation of the United States in the project to repair  
17 and rehabilitate the Tongue River Dam in southeastern  
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6 WHEREAS, some of the terms of the federal act and the  
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10 WHEREAS, the Northern Cheyenne Tribe, the Montana  
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12 Department of Natural Resources and Conservation have given  
13 their consent to, adopted, and ratified the terms of the  
14 federal act and the pending amendment; and

15 WHEREAS, the judicial confirmation of the Compact and  
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18 United States.

19 THEREFORE, the 53rd Legislature of the State of Montana,  
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23 Compact to the extent necessary to conform therewith.

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 25       85, chapter 20, part 3, apply to [section 1].

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16 timely completion of the project is of high priority to the  
17 State of Montana, the Northern Cheyenne Tribe, and the  
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BY REQUEST OF THE RESERVED WATER RIGHTS COMPACT COMMISSION

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WHEREAS, in accordance with section 85-2-702, MCA, the 52nd Montana Legislature ratified the Northern Cheyenne-Montana Compact as Chapter 812, Laws of 1991; and

WHEREAS, by its terms, the Compact required the participation of the United States in the project to repair and rehabilitate the Tongue River Dam in southeastern Montana, which required certain authorizations and appropriations by the Congress of the United States; and

WHEREAS, in the Northern Cheyenne Indian Reserved Water Rights Settlement Act of 1992, referred to in this preamble as the federal act (Public Law 102-374, 106 Stat. 1186), Congress approved the Compact and obligated, under certain terms and conditions, the federal government and the state to provide funding for the project; and

WHEREAS, because of a clerical error in the federal act Montana may lose some of the federal funding for the project, and accordingly, Congress, in S. 1654 (103d Cong. 1st Sess.), is considering an amendment to correct that error; and

WHEREAS, some of the terms of the federal act and the pending amendment vary from the Compact, thereby creating uncertainty in efforts to obtain federal funding for the project and secure judicial approval of the Compact; and

WHEREAS, the Northern Cheyenne Tribe, the Montana Reserved Water Rights Compact Commission, and the Montana Department of Natural Resources and Conservation have given their consent to, adopted, and ratified the terms of the federal act and the pending amendment; and

WHEREAS, the judicial confirmation of the Compact and timely completion of the project is of high priority to the State of Montana, the Northern Cheyenne Tribe, and the United States.

THEREFORE, the 53rd Legislature of the State of Montana, meeting in special session, finds it appropriate to give its consent to, adopt, and ratify the terms and conditions of the federal act and the pending amendment and to modify the Compact to the extent necessary to conform therewith.

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