

1 HOUSE BILL NO. 924
2 INTRODUCED BY M. REGIER, S. GUNDERSON
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE TRANSFER OR LEASE OF WATER RIGHTS
5 OUT OF STATE UNTIL 2048; ESTABLISHING A FEE; AMENDING SECTIONS 85-1-101, 85-2-141, 85-2-301,
6 85-2-311, 85-2-316, 85-2-402, AND 85-2-403, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND
7 PROVIDING EFFECTIVE DATES, AN APPLICABILITY DATE, AND A TERMINATION DATE."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 **Section 1.** Section 85-1-101, MCA, is amended to read:

12 **"85-1-101. Policy considerations.** It is hereby declared as follows:

13 (1) The general welfare of the people of Montana, in view of the state's population growth and
14 expanding economy, requires that water resources of the state be put to optimum beneficial use and not
15 wasted.

16 (2) The public policy of the state is to promote the conservation, development, and beneficial use
17 of the state's water resources to secure maximum economic and social prosperity for its citizens.

18 (3) The state, in the exercise of its sovereign power, acting through the department of natural
19 resources and conservation, shall coordinate the development and use of the water resources of the state so
20 as to effect full utilization, conservation, and protection of its water resources.

21 (4) The development and utilization of water resources and the efficient, economic distribution
22 thereof are vital to the people in order to protect existing uses and to assure adequate future supplies for
23 domestic, industrial, agricultural, and other beneficial uses.

24 (5) The water resources of the state must be protected and conserved to assure adequate
25 supplies for public recreational purposes and for the conservation of wildlife and aquatic life.

26 (6) The public interest requires the construction, operation, and maintenance of a system of works
27 for the conservation, development, storage, distribution, and utilization of water, which construction, operation,
28 and maintenance is a single object and is in all respects for the welfare and benefit of the people of the state.

1 copy of [this act] to each federally recognized tribal government in Montana.

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3 NEW SECTION. Section 15. Effective dates. (1) Except as provided in subsection (2), [this act] is

4 effective on passage and approval.

5 (2) [Sections 2, 4, 7, 9, 11, and 13] are effective January 1, 2048.

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7 NEW SECTION. Section 16. Contingent voidness. (1) If a court of competent jurisdiction
8 determines the that any part of [sections 1, 3, 5, 6, 8, 10, or 12] is unconstitutional or otherwise unenforceable,
9 then the amendments made to those sections are void.

10 (2) The department of natural resources and conservation shall notify the code commissioner
11 within 10 days of this contingency being met.

12 (3) Upon the meeting of this contingency, the code commissioner shall strike the amendments
13 made to those sections so those sections read as they existed on the day before [the effective date] of those
14 sections.

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16 NEW SECTION. Section 17. Applicability. [This act] applies to water transfers made after [the
17 effective date of this act].

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19 NEW SECTION. Section 18. Termination. [Sections 1, 3, 6, 8, 10, and 12] terminate December 31,
20 2047.

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