

1 HOUSE BILL NO. 444

2 INTRODUCED BY R. SOMERVILLE, HALLIGAN, GALLUS, MAHLUM

3 BY REQUEST OF THE ATTORNEY GENERAL AND THE GOVERNOR

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5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY FROM THE COAL SEVERANCE TAX
6 PERMANENT FUND TO THE DEPARTMENT OF JUSTICE FOR TECHNICAL, LEGAL, AND ADMINISTRATIVE
7 ACTIVITIES FOR THE STATE OF MONTANA NATURAL RESOURCE DAMAGE ASSESSMENT AND
8 LITIGATION IN THE CLARK FORK RIVER BASIN; REQUIRING REPAYMENT OF THE EXPENDED AMOUNTS
9 FROM ANY RECOVERY IN THE LITIGATION; REQUIRING A THREE-FOURTHS VOTE; AND PROVIDING
10 EFFECTIVE DATES."

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

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14 NEW SECTION. **Section 1. Natural resource damage program appropriation.** There is appropriated
15 to the department of justice from the coal severance tax permanent fund a loan in the amount of
16 \$990,000 for the biennium ending June 30, 2003, for the purpose of conducting the natural resource
17 damage assessment and litigation and pursuing the state of Montana's remaining natural resource damage
18 claims and any appeals against the atlantic richfield company through the natural resource damage
19 litigation program. Any recovery in the litigation for assessment, litigation, and enforcement costs, up to
20 the amount expended pursuant to this section, must be deposited in the coal severance tax permanent
21 fund.

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23 NEW SECTION. **Section 2. Loan agreement.** In order to make the loan authorized in [section 1],
24 the board of investments shall enter into a contract with the department of justice pledging the amount
25 recovered in the litigation to the repayment of the loan to the fullest extent allowable under the law. The
26 contract must provide that the loan repayment must be deposited in the coal severance tax permanent
27 fund. To the extent possible, the board shall make the loan from the portion of the coal severance tax
28 permanent fund invested in the short-term investment pool. The loan authorized in [section 1] may not be
29 made until the contract required by this section has become effective.

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