

1 HOUSE BILL NO. 201

2 INTRODUCED BY R. RIPLEY

3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE 2003 APPROPRIATION OF MONEY FROM THE
6 COAL SEVERANCE TAX PERMANENT FUND TO THE DEPARTMENT OF JUSTICE FOR TECHNICAL,
7 LEGAL, AND ADMINISTRATIVE ACTIVITIES FOR THE STATE OF MONTANA NATURAL RESOURCE
8 DAMAGE ASSESSMENT AND LITIGATION; REQUIRING REPAYMENT OF THE EXPENDED AMOUNTS
9 FROM ANY RECOVERY IN THE LITIGATION; AND PROVIDING EFFECTIVE DATES."
10

11 WHEREAS, in Chapter 283, Laws of 2003, the Legislature appropriated to the Department of Justice
12 from the coal severance tax permanent fund a loan, in the form of a line of credit, of up to \$650,000 as needed
13 for the biennium ending June 30, 2005, for the purpose of conducting the natural resource damage assessment
14 and litigation and pursuing the state of Montana's natural resource damage claims and any appeals through the
15 natural resource damage litigation program; and

16 WHEREAS, less than \$200,000 of this loan has been expended through January 1, 2005.
17

18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
19

20 NEW SECTION. **Section 1. Extension of natural resource damage program appropriation.** The
21 remainder of the \$650,000 loan appropriated to the department of justice for the biennium ending June 30, 2005,
22 in section 1, Chapter 283, Laws of 2003, is reappropriated to the department for the biennium ending June 30,
23 2007, for the purposes as set forth in Chapter 283, Laws of 2003.
24

25 NEW SECTION. **Section 2. Loan agreement.** The board of investments and the department of justice
26 shall amend the existing contract pledging the amount recovered in the litigation to the repayment of the loan,
27 which is to be deposited in the coal severance tax permanent fund. This amendment of the contract must
28 incorporate the provisions of [section 1] but may not modify any other terms and conditions of the contract, which
29 incorporates the requirements of Chapter 283, Laws of 2003. The continuing loan authorized in [section 1] may
30 not be made for expenditures incurred after June 30, 2005, until the amendment of the contract required by this

1 section has become effective.

2

3 NEW SECTION. **Section 3. Three-fourths vote required.** Because [section 1] appropriates money
4 from the coal severance tax permanent fund for 2 additional years, Article IX, section 5, of the Montana
5 constitution requires a vote of three-fourths of the members of each house of the legislature for passage.

6

7 NEW SECTION. **Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act] is
8 effective on passage and approval.

9 (2) [Section 1] is effective July 1, 2005.

10

- END -