1	HOUSE BILL NO. 89
2	INTRODUCED BY B. MCCHESNEY
3	BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A STATUTORY APPROPRIATION FOR FEDERAL
6	FLOOD CONTROL PAYMENTS TO THE COUNTIES; PROVIDING A STATUTORY APPROPRIATION; AND
7	AMENDING SECTIONS 17-3-231 AND 17-7-502, MCA."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10	
11	**Section 1.** Section 17-3-231, MCA, is amended to read:
12	**"17-3-231. Flood Control Act -- distribution of** ~~revenues~~ **revenue to counties.** All ~~moneys~~ money
13	received ~~or hereafter to be received~~ by the state from the secretary of the treasury of the United States, under
14	~~and by virtue of~~ the Flood Control Act of 1954, ~~under~~ 33 U.S.C. 701c-3, ~~shall~~ must be distributed by the state to
15	the county treasurers of the counties of the state ~~wherein~~ in which the flood control land is situated. The
16	distributions required under this section are statutorily appropriated as provided in 17-7-502."
17	
18	**Section 2.** Section 17-7-502, MCA, is amended to read:
19	**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
20	appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the
21	need for a biennial legislative appropriation or budget amendment.
22	(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both
23	of the following provisions:
24	(a) The law containing the statutory authority must be listed in subsection (3).
25	(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory
26	appropriation is made as provided in this section.
27	(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-407;
28	5-13-403; 10-2-603; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121;
29	15-23-706; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 15-70-369;
30	15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-231; 17-3-241; 17-6-101; 17-7-304; 18-11-112;

1   19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604;

2   20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-4-202; 23-4-204; 23-4-302; 23-4-304;

3   23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105;

4   44-1-504; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-6-703; 53-24-108; 53-24-206; 60-11-115; 61-3-415;

5   69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 77-2-362; 80-2-222; 80-4-416; 80-5-510; 80-11-518;

6   82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; and 90-9-306.

7   (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,

8   paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued

9   pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana

10   to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state

11   treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory

12   appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of

13   15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L.

14   1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's

15   unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates

16   July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, and secs. 3 and 6, Ch. 481, L. 2003, the inclusion

17   of 15-35-108 terminates June 30, 2010; pursuant to sec. 7, Ch. 314, L. 2005, the inclusion of 23-4-105, 23-4-202,

18   23-4-204, 23-4-302, and 23-4-304 becomes effective July 1, 2007; and pursuant to sec. 17, Ch. 593, L. 2005,

19   the inclusion of 15-31-906 terminates January 1, 2010.)"

20   - END -