

HOUSE BILL NO. 110

INTRODUCED BY K. VAN DYK

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A STATUTORY APPROPRIATION FOR THE TRANSFER OF FUNDS FROM THE HARD-ROCK MINING IMPACT TRUST ACCOUNT TO COUNTIES; AMENDING SECTIONS 17-7-502 AND 90-6-331, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 17-7-502, MCA, is amended to read:

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-407; 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; 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; 15-70-601; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 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; 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; 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; 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; 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; 82-11-161; 87-1-513; 90-1-115; 90-1-205; 90-3-1003; 90-6-331; and 90-9-306.

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

1 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
2 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
3 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
4 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
5 appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of  
6 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L.  
7 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's  
8 unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates  
9 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  
10 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,  
11 23-4-204, 23-4-302, and 23-4-304 becomes effective July 1, 2007; and pursuant to sec. 17, Ch. 593, L. 2005,  
12 the inclusion of 15-31-906 terminates January 1, 2010.)"

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14 **Section 2.** Section 90-6-331, MCA, is amended to read:

15 **"90-6-331. Fund transfer -- appropriation.** Prior to each October 31, all money segregated by county  
16 in the hard-rock mining impact trust account following allocation to the hard-rock mining impact trust account  
17 established in 90-6-304(2) as of September 30 immediately preceding must be transferred to the county for which  
18 the funds have been held in deposit. The money transferred to the county is statutorily appropriated as provided  
19 in 17-7-502. The funds transferred ~~appropriated~~ to each county must be deposited in the county hard-rock mine  
20 trust account established in 7-6-2225."

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

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