

## 1 HOUSE BILL NO. 680

2 INTRODUCED BY COHENOUR

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF REVENUE TO ENTER INTO  
5 CONTRACTS FOR OUT-OF-STATE COLLECTIONS; PROVIDING A STATUTORY APPROPRIATION;  
6 AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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10 **NEW SECTION. Section 1. Out-of-state collections -- authority to enter into contracts -- statutory**  
11 **appropriation.** The department may enter into contracts with out-of-state attorneys, other state tax agencies, and  
12 others located outside the state for out-of-state collections of taxes, fees, and other debt owed the state when  
13 the department determines that the amount collected under a contract will likely exceed the cost of collection. The  
14 department shall deposit the gross amount collected in the account or fund to which the tax, fee, or other debt  
15 was originally owed. The costs of collection are statutorily appropriated, as provided in 17-7-502, from the general  
16 fund to the department for the purposes of this section.

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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; [section  
29 1]; 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; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319;

1 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;  
2 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;  
3 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;  
4 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;  
5 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;  
6 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.)"

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21 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
22 integral part of Title 15, chapter 1, and the provisions of Title 15, chapter 1, apply to [section 1].

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24 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2007.

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