

## 1 HOUSE BILL NO. 160

2 INTRODUCED BY T. WASHBURN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING GENERAL FUND MONEY TO AQUATIC  
5 INVASIVE SPECIES PROGRAMS; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS  
6 15-1-122, 17-7-502, AND 80-7-1004, MCA; AND PROVIDING AN EFFECTIVE DATE."

7

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

9

10 **Section 1.** Section 15-1-122, MCA, is amended to read:

11 **"15-1-122. Fund transfers.** (1) There is transferred from the state general fund to the adoption services  
12 account, provided for in 42-2-105, a base amount of \$59,209, and the amount of the transfer must be increased  
13 by 10% in each succeeding fiscal year.

14 (2) For each fiscal year, there is transferred from the state general fund to the accounts, entities, or  
15 recipients indicated the following amounts:

16 (a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5, 1.48%  
17 of the motor vehicle revenue deposited in the state general fund in each fiscal year. The amount of 9.48% of the  
18 allocation in each fiscal year must be used for the purpose of reimbursing the hired removal of abandoned  
19 vehicles. Any portion of the allocation not used for abandoned vehicle removal reimbursement must be used as  
20 provided in 75-10-532.

21 (b) to the noxious weed state special revenue account provided for in 80-7-816, 1.50% of the motor  
22 vehicle revenue deposited in the state general fund in each fiscal year;

23 (c) to the department of fish, wildlife, and parks:

24 (i) 0.46% of the motor vehicle revenue deposited in the state general fund, with the applicable  
25 percentage to be:

26 (A) used to:

27 (I) acquire and maintain pumpout equipment and other boat facilities, 4.8% in each fiscal year;

28 (II) administer and enforce the provisions of Title 23, chapter 2, part 5, 19.1% in each fiscal year;

29 (III) enforce the provisions of 23-2-804, 11.1% in each fiscal year; and

30 (IV) develop and implement a comprehensive program and to plan appropriate off-highway vehicle

1 recreational use, 16.7% in each fiscal year; and

2 (B) deposited in the state special revenue fund established in 23-1-105 in an amount equal to 48.3% in  
3 each fiscal year;

4 (ii) 0.10% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with 50%  
5 of the amount to be used for enforcing the purposes of 23-2-601, 23-2-602, 23-2-611, 23-2-614 through 23-2-618,  
6 23-2-621, 23-2-622, 23-2-631 through 23-2-635, and 23-2-641 through 23-2-644 and 50% of the amount  
7 designated for use in the development, maintenance, and operation of snowmobile facilities; and

8 (iii) 0.16% of the motor vehicle revenue deposited in the state general fund in each fiscal year to be  
9 deposited in the motorboat account to be used as provided in 23-2-533;

10 (d) 0.64% of the motor vehicle revenue deposited in the state general fund in each fiscal year, with  
11 24.55% to be deposited in the state veterans' cemetery account provided for in 10-2-603 and with 75.45% to be  
12 deposited in the veterans' services account provided for in 10-2-112(1);

13 (e) 0.30% of the motor vehicle revenue deposited in the state general fund in each fiscal year for deposit  
14 in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation  
15 services account provided for in 7-14-112; and

16 (f) to the search and rescue account provided for in 10-3-801, 0.04% of the motor vehicle revenue  
17 deposited in the state general fund in each fiscal year.

18 (3) The amount of \$200,000 is transferred from the state general fund to the livestock loss reduction and  
19 mitigation restricted state special revenue account provided for in 81-1-112 in each fiscal year.

20 (4) The amount of \$898,000 is transferred from the state general fund to the invasive species account  
21 provided for in 80-7-1004 in each biennium.

22 ~~(4)~~(5) For the purposes of this section, "motor vehicle revenue deposited in the state general fund"  
23 means revenue received from:

24 (a) fees for issuing a motor vehicle title paid pursuant to 61-3-203;

25 (b) fees, fees in lieu of taxes, and taxes for vehicles, vessels, and snowmobiles registered or reregistered  
26 pursuant to 61-3-321 and 61-3-562;

27 (c) GVW fees for vehicles registered for licensing pursuant to Title 61, chapter 3, part 3; and

28 (d) all money collected pursuant to 15-1-504(3).

29 ~~(5)~~(6) The amounts transferred from the general fund to the designated recipient must be appropriated  
30 as state special revenue in the general appropriations act for the designated purposes."

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2           **Section 2.** Section 17-7-502, MCA, is amended to read:  
3           **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
4 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
5 need for a biennial legislative appropriation or budget amendment.

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

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

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

11           (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
12 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310; 10-3-312;  
13 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121;  
14 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101;  
15 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;  
16 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105; 23-5-306;  
17 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; 39-71-503; 41-5-2011; 42-2-105;  
18 44-4-1101; 44-12-206; 44-13-102; 50-4-623; 53-1-109; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415;  
19 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-416; 77-1-108; 77-2-362; 80-2-222; 80-4-416;  
20 80-7-1004; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; 87-1-230; 87-1-603;  
21 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

22           (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
23 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
24 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
25 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
26 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
27 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
28 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is  
29 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch.  
30 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and

1 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.  
 2 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the  
 3 supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621  
 4 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30,  
 5 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec.  
 6 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011,  
 7 the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of  
 8 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates  
 9 June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates  
 10 June 30, 2017.)"

11

12 **Section 3.** Section 80-7-1004, MCA, is amended to read:

13 **"80-7-1004. Invasive species account.** (1) There is an invasive species account in the state special  
 14 revenue fund. The account is administered by the department of agriculture.

15 (2) Money transferred from the general fund or received from any other lawful source, including but not  
 16 limited to gifts, grants, donations, securities, or other assets, public or private, may be deposited in the account.

17 (3) Subject to ~~subsection~~ subsections (4) and (5), money deposited in the account must be used to  
 18 accomplish the purposes of this part.

19 (4) Any private contribution deposited in the account for a particular purpose, as stated by the donor,  
 20 must be used exclusively for that purpose.

21 (5) Each biennium the amount of \$898,000 must be transferred from the state general fund to the  
 22 account pursuant to 15-1-122 and allocated for the prevention and control of any nonnative, aquatic invasive  
 23 species as follows:

24 (a) \$280,000 to be used by the department of agriculture; and

25 (b) \$618,000 to be used by the department of fish, wildlife, and parks.

26 (6) The money in the account is statutorily appropriated, as provided in 17-7-502.

27 ~~(5)(7)~~ Any interest and earnings on the account must be retained in the account."

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29 NEW SECTION. **Section 4. Effective date.** [This act] is effective July 1, 2013.

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