

HOUSE BILL NO. 161

INTRODUCED BY J. BACHMEIER

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A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING REIMBURSEMENT TO THE MONTANA UNIVERSITY SYSTEM FOR TUITION WAIVERS FOR CERTAIN STUDENTS; CREATING A TUITION WAIVER REIMBURSEMENT ACCOUNT; PROVIDING FOR A TRANSFER OF FUNDS FROM THE GENERAL FUND INTO THE TUITION WAIVER REIMBURSEMENT ACCOUNT; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Tuition waiver reimbursement account -- annual transfer from general fund to account.** (1) There is a tuition waiver reimbursement account in the state special revenue fund. The purpose of the account is to provide reimbursement to units of the Montana university system that provided tuition waivers to residents under the provisions of 20-25-421(2)(b) through (2)(d) in the prior fiscal year. The account is administered by the regents through the office of the commissioner of higher education.

(2) The tuition waiver reimbursement account consists of money deposited into the account from legislative transfers and appropriations and from any other source. Any interest earned by the account must be deposited into the account and used for the purpose specified in subsection (1).

(3) Funds in the tuition waiver reimbursement account are statutorily appropriated, as provided in 17-7-502, to the regents and may be used only for the purpose specified in subsection (1).

(4) By July 1, 2017, and by July 1 of each fiscal year following, the state treasurer shall transfer an amount equal to the amount of tuition waivers granted in the prior fiscal year pursuant to 20-25-421(2)(b) through (2)(d) from the general fund into the tuition waiver reimbursement account.

**Section 2.** 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

1 of the following provisions:

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

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

5 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
6 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;  
7 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101;  
8 15-70-433; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215;  
9 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;  
10 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-517; 20-9-520; 20-9-534; 20-9-622; 20-9-905; section 1;  
11 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612;  
12 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101;  
13 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-415;  
14 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-150; 76-13-416; 77-1-108; 77-2-362; 80-2-222;  
15 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603;  
16 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

17 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
18 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
19 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
20 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
21 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
22 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
23 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded  
24 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and  
25 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.  
26 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under  
27 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 5, Ch. 442, L. 2009, the inclusion  
28 of 90-6-331 terminates June 30, 2019; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of 30-10-1004  
29 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates June 30,  
30 2019; pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates June 30, 2017;

1 pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112 terminates on occurrence of contingency;  
2 pursuant to sec. 5, Ch. 244, L. 2013, the inclusion of 22-1-327 terminates July 1, 2017; pursuant to sec. 27, Ch.  
3 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec.  
4 6, Ch. 291, L. 2015, the inclusion of 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015,  
5 the inclusion of 53-6-1304 terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of  
6 85-25-102 is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of  
7 17-7-215 terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117  
8 terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates  
9 September 30, 2019; and pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates December  
10 31, 2023.)"

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12 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
13 integral part of Title 20, chapter 25, part 4, and the provisions of Title 20, chapter 25, part 4, apply to [section 1].

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15 **NEW SECTION. Section 4. Effective date.** [This act] is effective July 1, 2017.

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