

1 HOUSE BILL NO. 864

2 INTRODUCED BY T. MOORE, L. JONES

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4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2;
5 ALLOCATING FUNDING TO THE VETERANS AND SURVIVING SPOUSES STATE SPECIAL REVENUE
6 ACCOUNT; PROVIDING FOR AN EMERGENCY DECLARATION OF INMATE HOUSING AND
7 AUTHORIZATIONS TO ADDRESS THE EMERGENCY; AMENDING SECTIONS 10-2-108 AND 16-11-119,
8 MCA; PROVIDING FOR A TRANSFER OF FUNDS; AND PROVIDING AN EFFECTIVE DATE."

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

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12 SECTION 1. SECTION 10-2-108, MCA, IS AMENDED TO READ:

13 **"10-2-108. Veterans and surviving spouses state special revenue account.** (1) There is a
14 veterans and surviving spouses account in the state special revenue fund to be administered by the veterans'
15 affairs division of the department of military affairs. The account consists of revenue deposited pursuant to 16-
16 12-111 and 16-11-119.

17 (2) The account must be used to provide services and assistance for all Montana veterans and
18 surviving spouses and dependents."

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20 SECTION 2. SECTION 16-11-119, MCA, IS AMENDED TO READ:

21 **"16-11-119. Disposition of taxes -- statutory appropriation.** (1) A sum equal to the amount
22 necessary to purchase cigarette tax stamps must be deposited to or allocated from the state special revenue
23 fund to the credit of the department from cigarette taxes collected under the provisions of 16-11-111, as
24 provided in subsection (5) of this section.

25 (2) After the deposit or allocation in subsection (1), cigarette taxes collected under the provisions
26 of 16-11-111 must, in accordance with the provisions of 17-2-124, be deposited as follows:

27 (a) 8.3% or \$4 million, whichever is greater, in the state special revenue fund to the credit of the
28 department of public health and human services for the operation and maintenance of state veterans' nursing

1 homes;

2 (b) 2.6% in the major repair long-range building program account provided for in 17-7-221;

3 (c) 44% in the state special revenue fund to the credit of the health and medicaid initiatives
4 account provided for in 53-6-1201; and

5 (d) \$150,000 in the veterans and surviving spouses state special revenue account provided for in
6 10-2-108;

7 (e) the remainder to the state general fund.

8 (3) If money in the state special revenue fund for the operation and maintenance of state veterans'
9 nursing homes exceeds \$2 million at the end of the fiscal year, the excess must be transferred to the state
10 general fund.

11 (4) The taxes collected on tobacco products other than cigarettes must in accordance with the
12 provisions of 17-2-124 be deposited as follows:

13 (a) one-half in the state general fund; and

14 (b) one-half in the state special revenue fund account for health and medicaid initiatives provided
15 for in 53-6-1201.

16 (5) Each fiscal year, a sum equal to the amount of money necessary to purchase cigarette tax
17 stamps is statutorily appropriated, as provided in 17-7-502, from the state special revenue fund allocation in
18 subsection (1) to the department for tax administration responsibilities."
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20 **NEW SECTION. SECTION 3. EMERGENCY DECLARATION RELATED TO INMATE HOUSING. (1) WHENEVER**
21 **THE INMATE CENSUS OF A STATE-OWNED PRISON EXCEEDS 90% OF THE PRISON'S DESIGN CAPACITY, THE GOVERNOR**
22 **MAY DECLARE A HOUSING EMERGENCY AT THE PRISON.**

23 **(2) TO EXPEDITE CONSTRUCTION OF ADDITIONAL INMATE CAPACITY WITHIN THE PRISON OR TO REPAIR OR**
24 **EXTEND UTILITY SERVICE WITHIN THE FACILITY TO ALLOW THE REOPENING OF CLOSED BUILDINGS OR TO EXPAND A**
25 **BUILDING'S CAPACITY, THE GOVERNOR MAY SUSPEND THE FOLLOWING PROVISIONS:**

26 (A) 18-2-113;

27 (B) 18-2-114;

28 (C) 18-2-121;

- 1 (D) 18-2-122;
2 (E) TITLE 37, CHAPTER 65, PART 3; AND
3 (F) TITLE 37, CHAPTER 67, PART 3.
4 (3) TO EXPEDITE CONSTRUCTION OF ADDITIONAL INMATE CAPACITY WITHIN A PRISON, THE DEPARTMENT OF
5 ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF CORRECTIONS, IS AUTHORIZED TO PURCHASE PLANS FOR
6 PRISON HOUSING THAT WAS CONSTRUCTED IN ANOTHER STATE, PROVIDED THAT THE ENGINEER AND ARCHITECT OF THE
7 PLANS WERE LICENSED IN THE STATE WHERE THE BUSINESSES ARE HEADQUARTERED.
8 (4) THE STATE ARCHITECT IS AUTHORIZED TO HIRE A CONSULTING ENGINEER TO OVERSEE THE
9 CONSTRUCTION OF NEW PRISON FACILITIES IF THE ENTITY FROM WHOM THE PLANS WERE PURCHASED DECLINES TO
10 PROVIDE THOSE SERVICES.

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12 NEW SECTION. Section 4. Transfer of funds. By August 15, 2023, the state treasurer shall transfer
13 \$500 from the general fund to the primary sector business training account established in 39-11-205.

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15 NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 2023.

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