

HOUSE BILL NO. 868

INTRODUCED BY J. SCHILLINGER, L. JONES

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE PROVISIONS OF HOUSE BILL NO. 2;
ESTABLISHING REPORTING REQUIREMENTS; PROVIDING FOR REPORTING BY THE DEPARTMENT OF
FISH, WILDLIFE, AND PARKS; PROVIDING COORDINATION LANGUAGE; PROVIDING FOR A TRANSFER
OF FUNDS; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. Section 1. Transfer of funds. By August 15, 2023, the state treasurer shall transfer
\$100 from the general fund to the natural resources operations state special revenue account established in 15-
38-301.

NEW SECTION. SECTION 2. PETROLEUM TANK RELEASE COMPENSATION BOARD REPORTING. (1) AT EACH
QUARTERLY MEETING OF THE NATURAL RESOURCES AND TRANSPORTATION BUDGET COMMITTEE DURING THE 2023-
2024 INTERIM, THE FOLLOWING MUST BE PRESENT TO REPORT TO THE COMMITTEE:

(A) A MEMBER OF THE PETROLEUM TANK RELEASE COMPENSATION BOARD;

(B) THE EXECUTIVE OFFICER OF THE PETROLEUM TANK RELEASE COMPENSATION BOARD;

(C) A REPRESENTATIVE OF THE DEPARTMENT OF ENVIRONMENTAL QUALITY; AND

(D) A MEMBER OR REPRESENTATIVE OF THE PETROLEUM MARKETERS AND CONVENIENCE STORE
ASSOCIATION.

(2) THE INDIVIDUALS LISTED IN SUBSECTION (1) SHALL REPORT ON THE FOLLOWING:

(A) THE PROGRESS ON THE CLOSING OF SITES;

(B) THE AMOUNT OF THE FUND BALANCE IN THE PETROLEUM TANK RELEASE CLEANUP FUND;

(C) THE PORTION OF THE FUND BALANCE THAT IS ALLOCATED OR ENCUMBERED;

(D) ANY SUGGESTIONS TO IMPROVE THE PROCESS OF CLOSING SITES; AND

(E) THE TIMELINESS OF BOARD PAYMENTS FOR COMPLETED CORRECTIVE ACTION PLANS.

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(3) THE INDIVIDUALS LISTED IN SUBSECTION (1) MUST BE AVAILABLE FOR QUESTIONS FROM COMMITTEE MEMBERS.

NEW SECTION. SECTION 3. REPORTING. (1) BY SEPTEMBER 1, 2023, THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL SUBMIT A REPORT TO THE NATURAL RESOURCES AND TRANSPORTATION BUDGET COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE DESCRIBING ALL PROJECTS INITIATED BUT NOT COMPLETED, BEGINNING WITH PROJECTS FIRST APPROPRIATED IN 2015 AND CONTINUING THROUGH THE 2023 BIENNIUM IN EACH OF THE PROGRAM AREAS LISTED IN SUBSECTION (4).

(2) THE REPORT MUST IDENTIFY FOR EACH PROJECT:

(A) THE NAME OF THE PROJECT;

(B) A BROAD DESCRIPTION OF THE PROJECT'S OBJECTIVES;

(C) THE PROJECT'S PHYSICAL LOCATION;

(D) A DESCRIPTION OF THE WORK COMPLETED;

(E) THE AMOUNT OF MONEY EXPENDED TO DATE;

(F) THE AMOUNT OBLIGATED BUT UNSPENT; AND

(G) A DESCRIPTION OF THE PROBLEMS OR OBSTACLES ENCOUNTERED THAT HAVE PROHIBITED COMPLETION OF THE PROJECT.

(3) EVERY QUARTER AFTER THAT, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE NATURAL RESOURCES AND TRANSPORTATION BUDGET COMMITTEE AND THE LEGISLATIVE FINANCE COMMITTEE DESCRIBING THE PROGRESS A PROGRAM MADE IN COMPLETING THE PROJECTS DESCRIBED IN SUBSECTION (1). THE REPORT MUST INCLUDE:

(A) ACTIONS TAKEN TO COMPLETE THE PROJECT;

(B) FUNDS EXPENDED DURING THE QUARTER;

(C) THE BALANCE OF FUNDS OBLIGATED BUT NOT SPENT; AND

(D) PROBLEMS OR OBSTACLES INHIBITING PROJECT COMPLETION.

(4) THE FOLLOWING PROGRAMS OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS SHALL PROVIDE REPORTS AS OUTLINED IN THIS SECTION:

- 1 (A) WILDLIFE MANAGEMENT AND MAINTENANCE;
- 2 (B) UPLAND GAME BIRD ENHANCEMENT PROGRAM;
- 3 (C) MIGRATING BIRD WETLAND PROGRAM;
- 4 (D) FUTURE FISHERIES;
- 5 (E) HATCHERIES MAINTENANCE; AND
- 6 (F) FISH CONNECTION.

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8 COORDINATION SECTION. SECTION 4. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 442
9 AND [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTION 1 OF SENATE BILL NO. 442] IS VOID MUST BE REPLACED
10 WITH:

11 "NEW SECTION 1. Country road habitat access account. (1) There is a county road habitat
12 access account in the state special revenue fund established in 17-2-102. All funds received pursuant to 16-12-
13 111 must be deposited in the account.

14 (2) Money deposited in the account is statutorily appropriated, as provided in 17-7-502, to the
15 department of transportation and may be used only for funding the construction, reconstruction, maintenance,
16 and repair of county roads in the manner provided in 15-70-101(4)."

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18 COORDINATION SECTION. SECTION 5. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 442
19 AND [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTION 2 OF SENATE BILL NO. 442] IS VOID MUST BE REPLACED
20 WITH:

21 "NEW SECTION 2. Habitat legacy account. (1) There is a habitat legacy account in the state
22 special revenue fund established in 17-2-102. All funds received pursuant to 16-12-111 are statutorily
23 appropriated, as provided in 17-7-502, to the department of fish, wildlife, and parks and must be deposited in
24 the account.

25 (2) At the end of each fiscal year, 75% of the funds received pursuant to 16-12-111(4)(b) must be
26 transferred and used solely as funding for wildlife habitat in the same manner as funding under 87-1-242(3) and
27 used pursuant to 87-1-209.

28 (3) If, at the end of any fiscal year, the unobligated cash balance in the account set up to

1 administer funding under 87-1-242(3) and used pursuant to 87-1-209 equals or exceeds \$50 million, adjusted
2 annually for inflation, the transfer may not be made.

3 (4) If, at the end of any fiscal year, the unobligated cash balance in the account set up to
4 administer funding under 87-1-242(3) and used pursuant to 87-1-209 is less than \$50 million, adjusted annually
5 for inflation, then an amount less than or equal to the difference between the unobligated cash balance and \$50
6 million, adjusted annually for inflation, but not to exceed 75% of the taxes received pursuant to 16-12-111(4)(b),
7 must be transferred to the account set up to administer funding under 87-1-242(3) and used pursuant to 87-1-
8 209.

9 (5) The inflation adjustments made under this section must be based on any change to the
10 consumer price index from the previous year. The consumer price index to be used for calculations is the
11 consumer price index for all urban consumers (CPI-U).

12 (6) Twenty-five percent, and any amount above the cap established in subsection (2), is retained
13 in the habitat legacy account and must be used exclusively in the same manner as funding under 87-5-806 or
14 87-1-209.

15 (7) Any interest or income earned on the money in the habitat legacy account must be deposited
16 into the account.

17 (8) Any unspent or unencumbered money in the habitat legacy account at the end of a fiscal year
18 must remain in the account."

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20 COORDINATION SECTION. SECTION 6. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 442

21 AND [THIS ACT] ARE PASSED AND APPROVED, THEN 17-7-502 MUST BE AMENDED AS FOLLOWS:

22 "**17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
23 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
24 the need for a biennial legislative appropriation or budget amendment.

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

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

28 (b) The law or portion of the law making a statutory appropriation must specifically state that a

1 statutory appropriation is made as provided in this section.

2 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-
3 11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-
4 807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121; 15-1-218;
5 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-
6 70-130; section 1 of Senate Bill No. 442; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-212; 17-3-222; 17-
7 3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-
8 301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; [20-
9 15-328]; 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;
10 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105;
11 44-4-1101; 44-12-213; 44-13-102; 46-32-108; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206;
12 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-
13 11-313; 75-26-308; 76-13-150; 76-13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-
14 11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-526; 85-20-1504;
15 85-20-1505; [85-25-102]; 87-1-603; 87-5-909; section 2 of Senate Bill No. 442; 90-1-115; 90-1-205; 90-1-504;
16 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
20 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined
21 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
22 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
23 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
24 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
25 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
26 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
27 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
28 terminates June 30, 2025; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30,

1 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025;
2 pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8,
3 Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec.
4 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017,
5 the inclusion of 76-17-103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-
6 209 terminates September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates
7 June 30, 2029; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June
8 30, 2027; pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; pursuant to
9 sec. 5, Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023; pursuant to secs. 1, 2, 3, Ch. 139,
10 L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion
11 of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004
12 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30,
13 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; and
14 pursuant to sec. 15, Ch. 574, L. 2021, the inclusion of 46-32-108 terminates June 30, 2023.)"

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16 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2023.

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