HOUSE BILL NO. 418

INTRODUCED BY MADISON BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

IN THE HOUSE

JANUARY 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.

JANUARY 29, 1991 FIRST READING.

MARCH 19, 1991 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

MARCH 20, 1991 PRINTING REPORT.

MARCH 23, 1991 SECOND READING, DO PASS.

MARCH 25, 1991 ENGROSSING REPORT.

MARCH 26, 1991 THIRD READING, PASSED. AYES, 86; NOES, 10.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 26, 1991

FIRST READING.

ON FINANCE & CLAIMS.

APRIL 2, 1991 COMMITTEE RECOMMEND BILL BE

APRIL 8, 1991

APRIL 9, 1991

CONCURRED IN. REPORT ADOPTED.

INTRODUCED AND REFERRED TO COMMITTEE

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN. AYES, 43; NOES, 2.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 10, 1991

SENT TO ENROLLING.

RECEIVED FROM SENATE.

REPORTED CORRECTLY ENROLLED.

6

House BILL NO. 418 ı INTRODUCED BY 2 3 BY REQUEST OF THE DEPARTMENT OF 4 NATURAL RESOURCES AND CONSERVATION 5 б A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT ALL 7 MONEY COLLECTED UNDER TITLE 37, CHAPTER 43, MCA, MUST BE 8 RESERVED FOR USE BY THE BOARD OF WATER WELL CONTRACTORS; 9 CLARIFYING THAT THE BOARD MAY EXPEND FUNDS FROM BONDS; 10 PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 11 17-7-502, MCA: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 NEW SECTION. Section 1. Earmarked money for board 15 expenses -- expenditure of funds from bonds. (1) All money 16 collected under this chapter must be deposited in the state 17 special revenue fund and may be used only for the purpose of 18 paying expenses of the board. Except for funds received from 19 bonds in subsection (2), the money must be appropriated by 20 the legislature before it may be expended by the board. 21 Income and interest from investment of the money in the 22 state special revenue fund that is collected under this 23 chapter must be credited to the board. 24 (2) The board may accept and expend all funds received 25 from bonds required by 37-43-306. The funds must be used to

Montana Legislative Council

remedy defects in water wells, to compensate for damages 1 caused by violations of this chapter or the rules of the 2 board, or to pay any administrative costs incurred by the 3 board under 37-43-311. These funds are statutorily 4 5 appropriated as provided in 17-7-502.

Section 2. Section 17-7-502, MCA, is amended to read:

7 *17-7-502. Statutory appropriations -- definition -requisites for validity. (1) A statutory appropriation is an 8 9 appropriation made by permanent law that authorizes spending a state agency without the need for a biennial 10 by legislative appropriation or budget amendment. 11 (2) Except as provided in subsection (4), to be 12

13 effective, a statutory appropriation must comply with both 14 of the following provisions:

15 (a) The law containing the statutory authority must be listed in subsection (3). 16

17 (b) The law or portion of the law making a statutory 18 appropriation must specifically state that a statutory 19 appropriation is made as provided in this section.

20 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 21 22 10+3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 23 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;24 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 19-8-504; 19-9-702; 19-9-1007; 17-5-424; 17-5-804; 25 INTRODUCED BILL HB 418

-2-

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1 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 2 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 3 4 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 5 6 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306; 7 8 and section 13, House Bill No. 861, Laws of 1985; and 9 [section 1].

10 (4) There is a statutory appropriation to pay the 11 principal, interest, premiums, and costs of issuing, paying, 12 and securing all bonds, notes, or other obligations, as due, 13 that have been authorized and issued pursuant to the laws of 14 Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state 15 15 treasurer, for deposit in accordance with 17-2-101 through 17 17-2-107, as determined by the state treasurer, an amount 18 sufficient to pay the principal and interest as due on the 19 bonds or notes have statutory appropriation authority for 20 such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 21 22 30, 1991.)"

23 <u>NEW SECTION.</u> Section 3. Codification instruction.
24 (Section 1) is intended to be codified as an integral part
25 of Title 37, chapter 43, and the provisions of Title 37,

1 chapter 43, apply to [section 1].

2 NEW SECTION. Section 4. Effective date. [This act] is

3 effective on passage and approval.

-End-

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STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for <u>HB0418</u>, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The bill creates a statutory appropriation to permit the Board of Water Well Contractors to pay out bond forfeiture money to remedy defects or compensate for damages.

ASSUMPTIONS:

- 1. MCA, Title 37, Chapter 43, and ARM Title 36, Chapter 21, prescribe that the water well contractors and monitoring well constructors must carry surety bonds to guarantee that certain standards and requirements are met. In cases resulting in forfeiture of the surety bond, the bond funds become available to remedy the related damages.
- 2. In order for the board to carry out its duties, an appropriation must be obtained to expend forfeited surety bond funds to remedy the damages. Only funds collected from this revenue source would be appropriated for this purpose.
- 3. The legislation provides for statutory authority for the board to use forfeited bond funds to remedy the problem that resulted in the forfeiture. Presently, a budget amendment is required to expend these funds and may only be granted if an emergency exists.
- 4. There would be no fiscal impact from this bill. Instead of requesting a budget amendment to expend bond forfeiture funds, the department would have statutory appropriation authority.

FISCAL IMPACT:

Department of Natural Resources and Conservation:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>						
Operating Costs	20,000	20,000	0	20,000	20,000	0
<u>Funding:</u>						
Forfeited Bond Funds (02)	20,000	20,000	0	20,000	20,000	0

ROD SUNDSTED, BUDGET DIRECTOR Office of Budget and Program Planning

ES MADISON

Fiscal Note for <u>HB0418, as introduced</u>

52nd Legislature

LC 0914/01

APPROVED BY COMMITTEE ON APPROPRIATIONS

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 INTRODUCED BY

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 4
 NATURAL RESOURCES AND CONSERVATION

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PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION
11 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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"17-7-502. Statutory appropriations -- definition -requisites for validity. (1) A statutory appropriation is an
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12 (2) Except as provided in subsection (4), to be
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14 of the following provisions:

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19 appropriation is made as provided in this section.

20 (3) The following laws are the only laws containing
21 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
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SECOND READING

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HB 418

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10 (4) There is a statutory appropriation to pay the 11 principal, interest, premiums, and costs of issuing, paying, 12 and securing all bonds, notes, or other obligations, as due, 13 that have been authorized and issued pursuant to the laws of 14 Montana. Agencies that have entered into agreements 15 authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 16 17-2-107, as determined by the state treasurer, an amount 17 18 sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for 19 such payments. (In subsection (3), pursuant to sec. 10, Ch. 20 21 664, L. 1987, the inclusion of 39-71-2504 terminates June 22 30, 1991.)"

23 <u>NEW SECTION.</u> Section 3. Codification instruction.
24 [Section 1] is intended to be codified as an integral part
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LC 0914/01

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52nd Legislature

HB 0418/02

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HB 418 REFERENCE BILL

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