

1 HOUSE BILL NO. 423
 2 INTRODUCED BY Keelan

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT FEES OR
 5 PARTS OF FEES REQUIRED BY LAW TO BE TRANSFERRED TO THE
 6 PUBLIC EMPLOYEES' RETIREMENT DIVISION OF THE DEPARTMENT OF
 7 ADMINISTRATION FOR DEPOSIT IN THE MONTANA JUDGES' RETIREMENT
 8 SYSTEM PENSION TRUST FUND ARE APPROPRIATED TO THE DEPARTMENT
 9 OF ADMINISTRATION FOR DEPOSIT IN THE FUND; PROVIDING A
 10 STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND
 11 19-5-404, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 **Section 1.** Section 17-7-502, MCA, is amended to read:

15 "17-7-502. Statutory appropriations -- definition --
 16 requisites for validity. (1) A statutory appropriation is an
 17 appropriation made by permanent law that authorizes spending
 18 by a state agency without the need for a biennial
 19 legislative appropriation or budget amendment.

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

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

25 (b) The law or portion of the law making a statutory

1 appropriation must specifically state that a statutory
 2 appropriation is made as provided in this section.

3 (3) The following laws are the only laws containing
 4 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 5 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 6 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
 7 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
 8 17-5-424; 17-5-804; 19-5-404; 19-8-504; 19-9-702; 19-9-1007;
 9 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 10 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;
 11 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;
 12 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;
 13 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;
 14 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;
 15 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;
 16 and section 13, House Bill No. 861, Laws of 1985.

17 (4) There is a statutory appropriation to pay the
 18 principal, interest, premiums, and costs of issuing, paying,
 19 and securing all bonds, notes, or other obligations, as due,
 20 that have been authorized and issued pursuant to the laws of
 21 Montana. Agencies that have entered into agreements
 22 authorized by the laws of Montana to pay the state
 23 treasurer, for deposit in accordance with 17-2-101 through
 24 17-2-107, as determined by the state treasurer, an amount
 25 sufficient to pay the principal and interest as due on the

1 bonds or notes have statutory appropriation authority for
 2 such payments. (In subsection (3), pursuant to sec. 10, Ch.
 3 664, L. 1987, the inclusion of 39-71-2504 terminates June
 4 30, 1991.)"

5 **Section 2.** Section 19-5-404, MCA, is amended to read:

6 "19-5-404. (Temporary) Contributions by the state. The
 7 state of Montana shall contribute monthly to the fund a sum
 8 equal to 6% of the salary of each member. In addition, the
 9 clerk of each district court shall transmit 68% of certain
 10 filing fees as required under 25-1-201(2) and that portion
 11 of the fee for filing a petition for dissolution of marriage
 12 and a motion for substitution of a judge specified in
 13 25-1-201(4) and (6) to the state, which shall first deposit
 14 in the fund an amount equal to 31% of the salaries paid to
 15 district judges and supreme court justices who are covered
 16 by the judges' retirement system and then deposit the
 17 balance in the state general fund. The clerk of the supreme
 18 court shall pay one-fourth of the fees collected under
 19 3-2-403 to the public employees' retirement division of the
 20 department of administration to be credited to the fund. The
 21 money to be deposited in the fund by the public employees'
 22 retirement division pursuant to this section is statutorily
 23 appropriated, as provided in 17-7-502, to the department of
 24 administration for deposit in the fund.

25 19-5-404. (Effective July 1, 1991) Contributions by the

1 state. The state of Montana shall contribute monthly to the
 2 fund a sum equal to 6% of the salary of each member. In
 3 addition, the clerk of each district court shall transmit
 4 68% of certain filing fees as required under 25-1-201(2) and
 5 that portion of the fee for filing a petition for
 6 dissolution of marriage and a motion for substitution of a
 7 judge specified in 25-1-201(4) and (6) to the state, which
 8 shall first deposit in the fund an amount equal to 34.71% of
 9 the salaries paid to district judges and supreme court
 10 justices who are covered by the judges' retirement system
 11 and then deposit the balance in the state general fund. The
 12 clerk of the supreme court shall pay one-fourth of the fees
 13 collected under 3-2-403 to the public employees' retirement
 14 division of the department of administration to be credited
 15 to the fund. The money to be deposited in the fund by the
 16 public employees' retirement division pursuant to this
 17 section is statutorily appropriated, as provided in
 18 17-7-502, to the department of administration for deposit in
 19 the fund."

20 NEW SECTION. Section 3. Effective date. [This act] is
 21 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 423
INTRODUCED BY KADAS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT FEES OR PARTS OF FEES REQUIRED BY LAW TO BE TRANSFERRED TO THE PUBLIC EMPLOYEES' RETIREMENT DIVISION OF THE DEPARTMENT OF ADMINISTRATION FOR DEPOSIT IN THE MONTANA JUDGES' RETIREMENT SYSTEM PENSION TRUST FUND ARE APPROPRIATED TO THE DEPARTMENT OF--ADMINISTRATION SUPREME COURT FOR DEPOSIT IN THE FUND; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502 AND 19-5-404, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. 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 of the following provisions:

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 19-5-404; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 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; 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; 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; and section 13, House Bill No. 861, Laws of 1985.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount



1 sufficient to pay the principal and interest as due on the
2 bonds or notes have statutory appropriation authority for
3 such payments. (In subsection (3), pursuant to sec. 10, Ch.
4 664, L. 1987, the inclusion of 39-71-2504 terminates June
5 30, 1991.)"

6 **Section 2.** Section 19-5-404, MCA, is amended to read:

7 "19-5-404. (Temporary) Contributions by the state. The
8 state of Montana shall contribute monthly to the fund a sum
9 equal to 6% of the salary of each member. In addition, the
10 clerk of each district court shall transmit 68% of certain
11 filing fees as required under 25-1-201(2) and that portion
12 of the fee for filing a petition for dissolution of marriage
13 and a motion for substitution of a judge specified in
14 25-1-201(4) and (6) to the state, which shall first deposit
15 in the fund an amount equal to 31% of the salaries paid to
16 district judges and supreme court justices who are covered
17 by the judges' retirement system and then deposit the
18 balance in the state general fund. The clerk of the supreme
19 court shall pay one-fourth of the fees collected under
20 3-2-403 to the public employees' retirement division of the
21 department of administration to be credited to the fund. The
22 money to--be-deposited-in-the-fund-by-the-public-employees'
23 retirement-division FROM COURT FEES COLLECTED pursuant to
24 this section is statutorily appropriated, as provided in
25 17-7-502, to the department-of-administration SUPREME COURT

1 for deposit in the JUDGES' RETIREMENT fund.

2 19-5-404. (Effective July 1, 1991) Contributions by the
3 state. The state of Montana shall contribute monthly to the
4 fund a sum equal to 6% of the salary of each member. In
5 addition, the clerk of each district court shall transmit
6 68% of certain filing fees as required under 25-1-201(2) and
7 that portion of the fee for filing a petition for
8 dissolution of marriage and a motion for substitution of a
9 judge specified in 25-1-201(4) and (6) to the state, which
10 shall first deposit in the fund an amount equal to 34.71% of
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14 clerk of the supreme court shall pay one-fourth of the fees
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19 COLLECTED pursuant to this section is statutorily
20 appropriated, as provided in 17-7-502, to the department--of
21 administration SUPREME COURT for deposit in the JUDGES'
22 RETIREMENT fund."

23 NEW SECTION. Section 3. Effective date. [This act] is
24 effective on passage and approval.

-End-

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5 PARTS OF FEES REQUIRED BY LAW TO BE TRANSFERRED TO THE
6 PUBLIC EMPLOYEES' RETIREMENT DIVISION OF THE DEPARTMENT OF
7 ADMINISTRATION FOR DEPOSIT IN THE MONTANA JUDGES' RETIREMENT
8 SYSTEM PENSION TRUST FUND ARE APPROPRIATED TO THE DEPARTMENT
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10 PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS
11 17-7-502 AND 19-5-404, MCA; AND PROVIDING AN IMMEDIATE
12 EFFECTIVE DATE."

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22 effective, a statutory appropriation must comply with both
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 21 department of administration to be credited to the fund. The
 22 money to-be-deposited-in-the-fund-by-the-public-employees'
 23 retirement-division FROM COURT FEES COLLECTED pursuant to
 24 this section is statutorily appropriated, as provided in
 25 17-7-502, to the department-of-administration SUPREME COURT

1 for deposit in the JUDGES' RETIREMENT fund.

2 **19-5-404. (Effective July 1, 1991) Contributions by the**
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 18 public--employees'--retirement--division FROM COURT FEES
 19 COLLECTED pursuant to this section is statutorily
 20 appropriated, as provided in 17-7-502, to the department--of
 21 administration SUPREME COURT for deposit in the JUDGES'
 22 RETIREMENT fund."

23 **NEW SECTION. Section 3. Effective date.** [This act] is
 24 effective on passage and approval.

-End-