HOUSE BILL NO. 586

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

IN THE HOUSE

	IN THE HOUSE
FEBRUARY 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON NATURAL RESOURCES.
	FIRST READING.
FEBRUARY 16, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 18, 1991	PRINTING REPORT.
MARCH 7, 1991	SECOND READING, DO PASS.
MARCH 8, 1991	ENGROSSING REPORT.
MARCH 9, 1991	THIRD READING, PASSED. AYES, 93; NOES, 2.
	TRANSMITTED TO SENATE.
	- Institute a partition t
	IN THE SENATE
MARCH 11, 1991	
MARCH 11, 1991	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE
MARCH 11, 1991 MARCH 19, 1991	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
·	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS. FIRST READING. COMMITTEE RECOMMEND BILL BE
MARCH 19, 1991	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 19, 1991 MARCH 21, 1991	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN.
MARCH 19, 1991 MARCH 21, 1991	IN THE SENATE INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS. FIRST READING. COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. SECOND READING, CONCURRED IN. THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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1	HOUSE BILL NO. 386
2	INTRODUCED BY
3	BY REQUEST OF THE DEPARTMENT OF
4	NATURAL RESOURCES AND CONSERVATION
5	
6	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING
7	HYDROELECTRIC POWER GENERATION REVENUES DERIVED FROM STATE
8	WATER CONSERVATION PROJECTS TO REPAIR AND REHABILITATE STATE
9	WATER CONSERVATION PROJECTS; AUTHORIZING THE DEPARTMENT OF
0	NATURAL RESOURCES AND CONSERVATION TO TRANSFER FUNDS FROM
1	THE STATE WATER PROJECT HYDROELECTRIC POWER GENERATION
2	SPECIAL REVENUE ACCOUNT AND THE BROADWATER REPLACEMENT AND
3	RENEWAL ACCOUNT FOR PAYMENT OF DEBT SERVICE ON WATER PROJECT
4	BONDS; AMENDING SECTIONS 17-7-502 AND 85-1-510, MCA; AND
.5	PROVIDING AN EFFECTIVE DATE."
6	
.7	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.8	NEW SECTION. Section 1. State water project
.9	hydroelectric power generation special revenue account
20	created revenues allocated. (1) There is a state water
21	project hydroelectric power generation special revenue
22	account within the state special revenue fund established in
23	17-2-102.
24	(2) Except as provided in the applicable bond
	recolution all regenues derived from hydroalectric negative

2	85, chapter 1, must be paid into this account as received.
3	(3) The revenues received under this section must be
4	used to repair and rehabilitate state-owned water projects
5	and works and to pay the cost of financing those activities
6	(4) The funds deposited in the state water project
7	hydroelectric power generation special revenue account unde
8	this section but not appropriated during the biennium and
9	money appropriated from the account but not expended during
10	the biennium for which it is appropriated must remain in the
11	account for future appropriation under this section and mag
12	not be appropriated from the account except as authorize
13	under this section.
14	(5) There is a statutory appropriation pursuant to
15	17-7-502 to allow the department to transfer available fund
16	from the state water project hydroelectric power generatio
17	special revenue account when needed to pay debt service o
18	state water project bonds, including but not limited t
19	broadwater power project bonds.
20	(6) There is a statutory appropriation pursuant t
21	17-7-502 for the department to transfer available funds fro
22	the broadwater replacement and renewal account when neede
23	to pay debt service on the broadwater power project bonds.

generation at state water conservation projects under Title

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 1 appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial 3 legislative appropriation or budget amendment.
- 5 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions: 7
- (a) The law containing the statutory authority must be 8 9 listed in subsection (3).
- 10 (b) The law or portion of the law making a statutory 11 appropriation must specifically state that a statutory appropriation is made as provided in this section. 12
- (3) The following laws are the only laws containing 13 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 14 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 16 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17 17-5-424: 17-5-804: 19-8-504; 19-9-702; 19-9-1007: 18 19 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20 19-11-606: 21 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 37-51-501; 39-71-2504; 53-6-150; 27-12-206; 22 23-5-1027; 75-1-1101; 53-24-206; 61-2-406; 61-5-121; 67-3-205; 23 76~12-123; 80-2-103; 82-11-136; 24 75-5-1108; 75-11-313: 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; and [section 1].
- 3 (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 9 17-2-107, as determined by the state treasurer, an amount 1.0 11 sufficient to pay the principal and interest as due on the 12 bonds or notes have statutory appropriation authority for 13 such payments. (In subsection (3), pursuant to sec. 10, Ch. 14 664, L. 1987, the inclusion of 39-71-2504 terminates June 15 30, 1991.)"
- Section 3. Section 85-1-510, MCA, is amended to read: 16

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"85-1-510. Sale of power and allocation of revenues. (1) If the operator of a small-scale hydroelectric generation facility under this chapter and a public utility or an electric cooperative are unable to mutually agree to a contract for the sale of electricity or a price for the electricity purchased by the utility or electric cooperative, the public service commission shall require the utility or electric cooperative to purchase the power under rates and terms established as provided in 85-1-511 through

25

- 1 85-1-513.
- 2 (2) The revenues derived from hydroelectric power
- 3 generation under this part must be deposited in the state
- 4 water project hydroelectric power generation special revenue
- 5 account created under [section 1]. The funds in the account
- 6 must be used to repair and rehabilitate state-owned water
- 7 projects and works and to pay the cost of financing those
- 8 activities."
- 9 NEW SECTION. Section 4. Codification instruction.
- 10 [Section 1] is intended to be codified as an integral part
- of Title 85, chapter 1, part 2, and the provisions of Title
- 12 85, chapter 1, part 2, apply to [section 1].
- 13 NEW SECTION. Section 5. Effective date. [This act] is
- 14 effective July 1, 1991.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0586, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This legislation allocates hydroelectric power generation revenue derived from state water conservation projects to a state water project hydroelectric power generation special revenue account when that revenue exceeds bond requirements. It stipulates that funds from the account are to be used to repair and rehabilitate state-owned water projects or, if needed, to pay for debt service on state water project bonds. It also stipulates that funds from the Broadwater renewal and replacement account can be used to pay debt service, if needed on the Broadwater power project bonds.

ASSUMPTIONS:

- 1. This act creates the state water project hydroelectric power generation special revenue account. It also stipulates what funds are to be deposited in it and what they are to be used for. The act does not appropriate funds for repairing and rehabilitating state-owned water projects.
- 2. The act creates a statutory appropriation to use funds from this new account when needed to pay debt service on state water project bonds, but it is not expected that this will be necessary in the 1993 biennium.
- 3. The act also creates a statutory appropriation to transfer funds from the Broadwater replacement and renewal account if needed to pay debt service on the Broadwater power project bonds, but this is not expected to be necessary in the 1993 biennium.

FISCAL IMPACT:

None

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Appropriate funds would be deposited directly into the state water project hydroelectric power generation special revenue account to be used for repair and rehabilitation of state-owned water projects instead of being deposited into the water development state special revenue fund.

ROD SUNDSTED, BUDGET DIRECTOR

DATE

Office of Budget and Program Planning

HARLES SWYSGOOD, PRIMARY SPONSOR

DATE

Fiscal Note for HB0586, as introduced

HB 586

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APPROVED BY COMM. ON NATURAL RESOURCES

LOUISE BILL NO. 586 1 2 INTRODUCED BY BY REQUEST OF THE DEPARTMENT OF 3 NATURAL RESOURCES AND CONSERVATION 4 5 ENTITLED: 6 A BILL FOR AN ACT ACT ALLOCATING HYDROELECTRIC POWER GENERATION REVENUES DERIVED FROM STATE 7 WATER CONSERVATION PROJECTS TO REPAIR AND REHABILITATE STATE 8 9 WATER CONSERVATION PROJECTS: AUTHORIZING THE DEPARTMENT OF 10 NATURAL RESOURCES AND CONSERVATION TO TRANSFER FUNDS FROM 11 THE STATE WATER PROJECT HYDROELECTRIC POWER GENERATION 12 SPECIAL REVENUE ACCOUNT AND THE BROADWATER REPLACEMENT AND 13 RENEWAL ACCOUNT FOR PAYMENT OF DEBT SERVICE ON WATER PROJECT 14 BONDS; AMENDING SECTIONS 17-7-502 AND 85-1-510, MCA; AND 15 PROVIDING AN EFFECTIVE DATE." 16 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: NEW SECTION. Section 1. State 18 water project 19 hydroelectric power generation special revenue account 20 created -- revenues allocated. (1) There is a state water 21 project hydroelectric power generation special revenue 22 account within the state special revenue fund established in 23 17-2-102. 24 (2) Except as provided in the applicable

resolution, all revenues derived from hydroelectric power



- generation at state water conservation projects under Title 85, chapter 1, must be paid into this account as received.
- (3) The revenues received under this section must be used to repair and rehabilitate state-owned water projects and works and to pay the cost of financing those activities.
- (4) The funds deposited in the state water project hydroelectric power generation special revenue account under this section but not appropriated during the biennium and money appropriated from the account but not expended during the biennium for which it is appropriated must remain in the account for future appropriation under this section and may not be appropriated from the account except as authorized under this section.
- (5) There is a statutory appropriation pursuant to 17-7-502 to allow the department to transfer available funds from the state water project hydroelectric power generation special revenue account when needed to pay debt service on state water project bonds, including but not limited to
- (6) There is a statutory appropriation pursuant to 17-7-502 for the department to transfer available funds from the broadwater replacement and renewal account when needed to pay debt service on the broadwater power project bonds.

broadwater power project bonds.

- Section 2. Section 17-7-502, MCA, is amended to read:
- "17-7-502. Statutory appropriations -- definition --

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- 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.
- 5 (2) Except as provided in subsection (4), to be 6 effective, a statutory appropriation must comply with both 7 of the following provisions:
- 8 (a) The law containing the statutory authority must be9 listed in subsection (3).
- 10 (b) The law or portion of the law making a statutory
 11 appropriation must specifically state that a statutory
 12 appropriation is made as provided in this section.
- 13 (3) The following laws are the only laws containing 14 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 16 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 17 15-70-101: 16-1-404: 16-1-410: 16-1-411: 17-3-212: 17-5-404: 18 17-5-424; 17-5-804; 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 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20 19-11-606: 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 21 22 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; 23 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 24

- 1 and section 13, House Bill No. 861, Laws of 1985; and 2 [section 1].
 - (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 sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991.)"
 - Section 3. Section 85-1-510, MCA, is amended to read:

"85-1-510. Sale of power and allocation of revenues.

(1) If the operator of a small-scale hydroelectric generation facility under this chapter and a public utility or an electric cooperative are unable to mutually agree to a contract for the sale of electricity or a price for the electricity purchased by the utility or electric cooperative, the public service commission shall require the utility or electric cooperative to purchase the power under

82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;

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rates and terms established as provided in 85-1-511 through

- 1 85-1-513.
- 2 (2) The revenues derived from hydroelectric power
- 3 generation under this part must be deposited in the state
- 4 water project hydroelectric power generation special revenue
- 5 account created under [section 1]. The funds in the account
- 6 must be used to repair and rehabilitate state-owned water
- 7 projects and works and to pay the cost of financing those
- 8 activities."
- 9 NEW SECTION. Section 4. Codification instruction.
- 10 [Section 1] is intended to be codified as an integral part
- of Title 85, chapter 1, part 2, and the provisions of Title
- 12 85, chapter 1, part 2, apply to [section 1].
- 13 NEW SECTION. Section 5. Effective date. [This act] is
- 14 effective July 1, 1991.

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1	HOUSE BILL NO. 586							
2	INTRODUCED BY							
3	BY REQUEST OF THE DEPARTMENT OF							
4	NATURAL RESOURCES AND CONSERVATION							
5								
6	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING							
7	HYDROELECTRIC POWER GENERATION REVENUES DERIVED FROM STATE							
8	WATER CONSERVATION PROJECTS TO REPAIR AND REHABILITATE STATE							
9	WATER CONSERVATION PROJECTS; AUTHORIZING THE DEPARTMENT OF							
10	NATURAL RESOURCES AND CONSERVATION TO TRANSFER FUNDS FROM							
11	THE STATE WATER PROJECT HYDROELECTRIC POWER GENERATION							
12	SPECIAL REVENUE ACCOUNT AND THE BROADWATER REPLACEMENT AND							
13	RENEWAL ACCOUNT FOR PAYMENT OF DEBT SERVICE ON WATER PROJECT							
14	BONDS; AMENDING SECTIONS 17-7-502 AND 85-1-510, MCA; AND							
15	PROVIDING AN EFFECTIVE DATE."							
16								
17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:							
18	NEW SECTION. Section 1. State water project							
19	hydroelectric power generation special revenue account							

(2) Except as provided in the applicable bond resolution, all revenues derived from hydroelectric power

created -- revenues allocated. (1) There is a state water

project hydroelectric power generation special revenue

account within the state special revenue fund established in

generation at state water conservation projects under Title 85, chapter 1, must be paid into this account as received.

- 3 (3) The revenues received under this section must be 4 used to repair and rehabilitate state-owned water projects 5 and works and to pay the cost of financing those activities.
 - (4) The funds deposited in the state water project hydroelectric power generation special revenue account under this section but not appropriated during the biennium and money appropriated from the account but not expended during the biennium for which it is appropriated must remain in the account for future appropriation under this section and may not be appropriated from the account except as authorized under this section.
 - (5) There is a statutory appropriation pursuant to 17-7-502 to allow the department to transfer available funds from the state water project hydroelectric power generation special revenue account when needed to pay debt service on state water project bonds, including but not limited to broadwater power project bonds.
 - (6) There is a statutory appropriation pursuant to 17-7-502 for the department to transfer available funds from the broadwater replacement and renewal account when needed to pay debt service on the broadwater power project bonds.
- Section 2. Section 17-7-502, MCA, is amended to read:
 - *17-7-502. Statutory appropriations -- definition --

Montana Legislative Council

THIRD READING

17

- requisites for validity. (1) A statutory appropriation is an 1 2 appropriation made by permanent law that authorizes spending a state agency without the need for a biennial 3 legislative appropriation or budget amendment.
- 5 (2) Except as provided in subsection (4), to 6 effective, a statutory appropriation must comply with both of the following provisions: 7
- 8 (a) The law containing the statutory authority must be listed in subsection (3). 9
- (b) The law or portion of the law making a statutory 10 appropriation must specifically state that a statutory 11 12 appropriation is made as provided in this section.
- 13 (3) The following laws are the only laws containing 14 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 16 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 17-5-424: 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 18 19 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 20 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; 21 23-5-1027: 27-12-206: 37-51-501; 39-71-2504; 53-6-150; 22 53-24-206: 61-2-406: 61-5-121; 67-3-205; 75-1-1101; 23 24 75-5-1108: 75-11-313: 76-12-123: 80-2-103; 82-11-136;

and section 13. House Bill No. 861. Laws of 1985; and [section 1].

(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, 5 that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements 7 by the laws of Montana to pay the state 8 authorized treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount 10 11 sufficient to pay the principal and interest as due on the 12 bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 13 664, L. 1987, the inclusion of 39-71-2504 terminates June 14 15 30, 1991.]*
- 16 Section 3. Section 85-1-510, MCA, is amended to read:

*85-1-510. Sale of power and allocation of revenues.

- (1) If the operator of a small-scale hydroelectric 18 19 generation facility under this chapter and a public utility 20 or an electric cooperative are unable to mutually agree to a 21 contract for the sale of electricity or a price for the 22 electricity purchased by the utility or electric 23 cooperative, the public service commission shall require the
- 24 utility or electric cooperative to purchase the power under 25

82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;

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- 1 85-1-513.
- 2 (2) The revenues derived from hydroelectric power
- 3 generation under this part must be deposited in the state
- 4 water project hydroelectric power generation special revenue
- 5 account created under [section 1]. The funds in the account
- 6 must be used to repair and rehabilitate state-owned water
- 7 projects and works and to pay the cost of financing those
- 8 activities."
- 9 NEW SECTION. Section 4. Codification instruction.
- 10 [Section 1] is intended to be codified as an integral part
- of Title 85, chapter 1, part 2, and the provisions of Title
- 12 85, chapter 1, part 2, apply to [section 1].
- NEW SECTION. Section 5. Effective date. [This act] is
- 14 effective July 1, 1991.

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2	INTRODUCED BY SWYSGOOD
3	BY REQUEST OF THE DEPARTMENT OF
4	NATURAL RESOURCES AND CONSERVATION
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6	A BILL FOR AN ACT ENTITLED: "AN ACT ALLOCATING
7	HYDROELECTRIC POWER GENERATION REVENUES DERIVED FROM STATE
8	WATER CONSERVATION PROJECTS TO REPAIR AND REHABILITATE STATE
9	WATER CONSERVATION PROJECTS; AUTHORIZING THE DEPARTMENT OF
10	NATURAL RESOURCES AND CONSERVATION TO TRANSFER FUNDS FROM
11	THE STATE WATER PROJECT HYDROELECTRIC POWER GENERATION
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13	RENEWAL ACCOUNT FOR PAYMENT OF DEBT SERVICE ON WATER PROJECT
14	BONDS; AMENDING SECTIONS 17-7-502 AND 85-1-510, MCA; AND
15	PROVIDING AN EFFECTIVE DATE."
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17	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
18	NEW SECTION. Section 1. State water project
19	hydroelectric power generation special revenue account
20	created revenues allocated. (1) There is a state water
21	project hydroelectric power generation special revenue
22	account within the state special revenue fund established in
23	17-2-102.
24	(2) Except as provided in the applicable bond
25	resolution, all revenues derived from hydroelectric power

HOUSE BILL NO. 586

generation a	t state	water	conserv	vation	project	s under	Title
85, chapter	l, must	be pai	d into	this	account	as recei	ved.

- (3) The revenues received under this section must be used to repair and rehabilitate state-owned water projects and works and to pay the cost of financing those activities.
- (4) The funds deposited in the state water project hydroelectric power generation special revenue account under this section but not appropriated during the biennium and money appropriated from the account but not expended during the biennium for which it is appropriated must remain in the account for future appropriation under this section and may not be appropriated from the account except as authorized under this section.
- (5) There is a statutory appropriation pursuant to 17-7-502 to allow the department to transfer available funds from the state water project hydroelectric power generation special revenue account when needed to pay debt service on state water project bonds, including but not limited to broadwater power project bonds.
- (6) There is a statutory appropriation pursuant to 17-7-502 for the department to transfer available funds from the broadwater replacement and renewal account when needed to pay debt service on the broadwater power project bonds.
 - Section 2. Section 17-7-502, MCA, is amended to read:
- "17-7-502. Statutory appropriations -- definition --

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HB 0586/02

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.

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- (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).
- 10 (b) The law or portion of the law making a statutory
 11 appropriation must specifically state that a statutory
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- (3) The following laws are the only laws containing 13 statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 14 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 16 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17 19-9-1007; 17-5-804; 19-8-504: 19-9-702: 18 17-5-424: 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19 19-13-604; 20-6-406; 20-8-111; 19-11-606; 19-12-301: 20 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 21 37-51-501; 39-71-2504; 53-6-150; 23-5-1027: 27-12-206: 22 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 53-24-206; 23 76-12-123; 80-2-103; 82-11-136; 75-5-1108; 75-11-313; 24

- and section 13, House Bill No. 861, Laws of 1985; and [section 1].
- (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 sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments. (In subsection (3), pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991.)"
- Section 3. Section 85-1-510, MCA, is amended to read:
- "85-1-510. Sale of power and allocation of revenues.

 (1) If the operator of a small-scale hydroelectric generation facility under this chapter and a public utility or an electric cooperative are unable to mutually agree to a contract for the sale of electricity or a price for the electricity purchased by the utility or electric cooperative, the public service commission shall require the utility or electric cooperative to purchase the power under rates and terms established as provided in 85-1-511 through

HB 586

82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;

HB 0586/02

1 85-1-513.

2 (2) The revenues derived from hydroelectric power

3 generation under this part must be deposited in the state

4 water project hydroelectric power generation special revenue

5 account created under [section 1]. The funds in the account

6 must be used to repair and rehabilitate state-owned water

projects and works and to pay the cost of financing those

8 activities."

7

9 NEW SECTION. Section 4. Codification instruction.

10 [Section 1] is intended to be codified as an integral part

11 of Title 85, chapter 1, part 2, and the provisions of Title

12 85, chapter 1, part 2, apply to (section 1).

13 NEW SECTION. Section 5. Effective date. [This act] is

14 effective July 1, 1991.