

HOUSE BILL NO. 963

INTRODUCED BY BARDANOUVE, REA, MADISON

IN THE HOUSE

FEBRUARY 20, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON APPROPRIATIONS.

FEBRUARY 21, 1991 FIRST READING.

MARCH 27, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 28, 1991 PRINTING REPORT.

 SECOND READING, DO PASS.

 ENGROSSING REPORT.

 ON MOTION, RULES SUSPENDED. BILL
PLACED ON THIRD READING.

 THIRD READING, PASSED.
AYES, 97; NOES, 0.

 TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 28, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

 FIRST READING.

APRIL 9, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN AS AMENDED. REPORT
ADOPTED.

APRIL 13, 1991 SECOND READING, CONCURRED IN.

APRIL 15, 1991 THIRD READING, CONCURRED IN.
AYES, 46; NOES, 2.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 15, 1991 RECEIVED FROM SENATE.

APRIL 17, 1991 SECOND READING, AMENDMENTS NOT

CONCURRED IN.

APRIL 19, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 20, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 22, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 22, 1991

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 23, 1991

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 24, 1991

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE SENATE

APRIL 24, 1991

FREE CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE HOUSE

APRIL 25, 1991

THIRD READING, PASSED.
AYES, 95; NOES, 3.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *963*
2 INTRODUCED BY *Bob Anderson* *Tim Malison*
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD
5 OF EXAMINERS TO ISSUE LONG-RANGE BUILDING BONDS FOR THE
6 CONSTRUCTION OF NEW FACILITIES AT THE MONTANA DEVELOPMENTAL
7 CENTER; AUTHORIZING THE CREATION OF A STATE DEBT; AND
8 PROVIDING AN IMMEDIATE EFFECTIVE DATE."
9

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

11 NEW SECTION. Section 1. Authorization of bonds. The
12 board of examiners is authorized to issue and sell general
13 obligation long-range building program bonds in an amount
14 not exceeding \$8 million for the project described in
15 [section 2], to be issued in accordance with the terms and
16 in the manner required by Title 17, chapter 5, part 8. The
17 authority granted to the board by this section is in
18 addition to any other authorization to the board to issue
19 and sell general obligation long-range building program
20 bonds.

21 NEW SECTION. Section 2. Appropriation of bond
22 proceeds. The proceeds of the bonds authorized in [section
23 1] are appropriated to the department of administration to
24 be used for the construction of new facilities at the
25 Montana developmental center.

1 NEW SECTION. Section 3. Requirement for approval of
2 state debt. Because [section 1] authorizes the creation of a
3 state debt, a vote of two-thirds of the members of each
4 house is required for enactment of [this act].

5 NEW SECTION. Section 4. Effective date. [This act] is
6 effective on passage and approval.

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0963, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the Board of Examiners to issue long-range building bonds for the construction of new facilities at the Montana Developmental Center; authorizing the creation of state debt; and providing an immediate effective date.

ASSUMPTIONS:

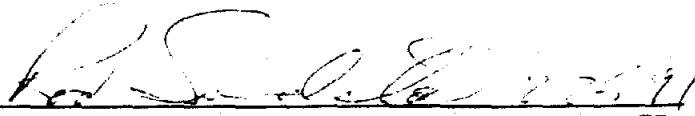
1. Project design fees will be paid from the bond proceeds.
2. Planning and designing the facilities will take approximately one year.
3. The Board of Examiners will issue sometime in FY92 approximately \$8 million in general obligation bonds for design and construction of facilities at the Montana Developmental Center. Construction will start in FY93.
4. The first two years of interest will be capitalized so that no debt service payments will begin until FY94.
5. Bonds will be backed by the full faith and credit of the state.
6. This bill has no fiscal impact on the Long-Range Building Plan.

FISCAL IMPACT:

	FY 92			FY 93		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Revenues:</u>						
Bond Proceeds	0	8,000,000	8,000,000	0	0	0
<u>Funding:</u>						
Capital Projects	0	8,000,000	8,000,000	0	0	0

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Annual debt payments after the 1993 biennium will depend on interest rates and structure of the financing. Based on current interest rates of under 7% annual debt payments on \$8 million is approximately \$800,000 per year for a 20-year bond. The issuance of general obligation bonds would have a general fund impact on debt service for approximately 20 years.



 ROD. SUNDSTED, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning



 FRANCIS BARDANOUE, PRIMARY SPONSOR DATE
 2/26/91

Fiscal Note for HB0963, as introduced.

HB 963

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 963

INTRODUCED BY BARDANOUVE, REA, MADISON

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF EXAMINERS TO ISSUE LONG-RANGE BUILDING BONDS FOR THE CONSTRUCTION OF NEW FACILITIES AT THE MONTANA DEVELOPMENTAL CENTER, AUTHORIZING THE CREATION OF A STATE DEBT, DEPARTMENT OF INSTITUTIONS TO ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT COSTS OF THE FINANCING; AUTHORIZING THE CREATION OF A SPECIAL LIMITED OBLIGATION OF THE DEPARTMENT; AUTHORIZING THE PAYMENT OF THE SPECIAL LIMITED OBLIGATION FROM FACILITY REVENUES; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Authorization of bonds. ~~The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding \$8 million for the project described in [section 2], to be issued in accordance with the terms and~~

~~in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds. (1) THE DEPARTMENT OF INSTITUTIONS MAY ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT OF COSTS OF THE FINANCING. THE MAXIMUM PRINCIPAL AMOUNT OF THE LOAN MAY NOT EXCEED \$8,665,000, AND THE LOAN MUST BE PAYABLE OVER A TERM OF NOT TO EXCEED 30 YEARS AND MUST BEAR INTEREST AND CONTAIN OTHER TERMS AND PROVISIONS WITH RESPECT TO PREPAYMENT OR OTHERWISE AS ARE NOT INCONSISTENT WITH THIS SECTION AND AS THE DEPARTMENT APPROVES.~~

~~(2) THE LOAN MAY BE SECURED BY A MORTGAGE ON THE MONTANA DEVELOPMENTAL CENTER FACILITY, INCLUDING THE LAND ON WHICH IT IS LOCATED. THE LOAN AGREEMENT CONSTITUTES A SPECIAL LIMITED OBLIGATION OF THE DEPARTMENT, AND THE PRINCIPAL AND INTEREST PAYMENTS REQUIRED BY THAT AGREEMENT ARE PAYABLE SOLELY FROM THE FACILITY REVENUES OBTAINED BY THE DEPARTMENT FROM THE OWNERSHIP AND OPERATION OF AND THE PROVISION OF SERVICES AT THE MONTANA DEVELOPMENTAL CENTER,~~

1 INCLUDING PAYMENTS OR REIMBURSEMENTS FROM PRIVATE USERS,
 2 INSURERS, AND THE FEDERAL GOVERNMENT. NOTWITHSTANDING THE
 3 PROVISIONS OF 53-1-413 OR ANY OTHER STATUTORY PROVISION, ALL
 4 FACILITY REVENUES OBTAINED FROM SERVICES PROVIDED BY THE
 5 MONTANA DEVELOPMENTAL CENTER MUST BE DEPOSITED IN A SPECIAL
 6 REVENUE FUND, MUST BE APPLIED TO THE PAYMENT OF THE
 7 PRINCIPAL AND INTEREST PAYMENTS AS DUE UNDER THE LOAN
 8 AGREEMENT, AND CONSTITUTE A STATUTORY APPROPRIATION WITHIN
 9 THE MEANING OF 17-7-502. WHENEVER THE FOREGOING FACILITY
 10 REVENUES EXCEED THE AMOUNT AND TERMS SPECIFIED AND REQUIRED
 11 TO REPAY THE LOAN AND MAINTAIN REQUIRED RESERVES, THE EXCESS
 12 MUST BE DEPOSITED TO THE GENERAL FUND. AS LONG AS THE LOAN
 13 REMAINS OUTSTANDING AND THE DEPARTMENT PROVIDES SERVICES FOR
 14 THE DEVELOPMENTALLY DISABLED, THE DEPARTMENT SHALL USE THE
 15 MONTANA DEVELOPMENTAL CENTER FOR THOSE PURPOSES OR FOR OTHER
 16 PURPOSES AS PERMITTED BY THE LOAN AGREEMENT AND STATE LAW,
 17 EXCEPT WHEN FORECLOSURE OCCURS UNDER THE AGREEMENT OR THE
 18 MORTGAGE. THE LOAN AGREEMENT MAY CONTAIN OTHER PROVISIONS OR
 19 AGREEMENTS THAT THE DEPARTMENT DETERMINES ARE NECESSARY AND
 20 THAT ARE NOT INCONSISTENT WITH THE PROVISIONS OF [SECTIONS 1
 21 THROUGH 3].

22 (3) THE OBLIGATIONS OF THE DEPARTMENT UNDER THE
 23 AGREEMENT ARE SPECIAL OBLIGATIONS PAYABLE SOLELY FROM THE
 24 FACILITY REVENUES AND DO NOT CONSTITUTE A DEBT OF THE STATE
 25 OR OBLIGATE THE STATE TO APPROPRIATE OR APPLY ANY FUNDS OR

1 REVENUES OF THE STATE, EXCEPT THE FACILITY REVENUES AS
 2 PROVIDED IN THIS SECTION.

3 NEW SECTION. Section 2. Appropriation of bond
 4 proceeds. The proceeds of the bonds authorized in [section
 5 1] are appropriated to the department of administration to
 6 be used for the construction of new facilities at the
 7 Montana developmental center.

8 ~~NEW SECTION. Section 3. Requirement for approval of~~
 9 ~~state debt. Because {section i} authorizes the creation of a~~
 10 ~~state debt, a vote of two-thirds of the members of each~~
 11 ~~house is required for enactment of {this act}.~~

12 SECTION 3. SECTION 17-7-502, MCA, IS AMENDED TO READ:

13 "17-7-502. Statutory appropriations -- definition --
 14 requisites for validity. (1) A statutory appropriation is an
 15 appropriation made by permanent law that authorizes spending
 16 by a state agency without the need for a biennial
 17 legislative appropriation or budget amendment.

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

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

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

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

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

1 such payments. (In subsection (3), pursuant to sec. 10, Ch.
 2 664, L. 1987, the inclusion of 39-71-2504 terminates June
 3 30, 1991.)"

4 NEW SECTION. **Section 4. Effective date.** [This act] is
 5 effective on passage and approval.

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A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF EXAMINERS TO ISSUE LONG-RANGE BUILDING BONDS FOR THE CONSTRUCTION OF NEW FACILITIES AT THE MONTANA DEVELOPMENTAL CENTER; AUTHORIZING THE CREATION OF A STATE DEBT; DEPARTMENT OF INSTITUTIONS TO ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT COSTS OF THE FINANCING; AUTHORIZING THE CREATION OF A SPECIAL LIMITED OBLIGATION OF THE DEPARTMENT; AUTHORIZING THE PAYMENT OF THE SPECIAL LIMITED OBLIGATION FROM FACILITY REVENUES; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Authorization of bonds. ~~The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding 90 million for the project described in section 2, to be issued in accordance with the terms and~~

~~in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds. (1) THE DEPARTMENT OF INSTITUTIONS MAY ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT OF COSTS OF THE FINANCING. THE MAXIMUM PRINCIPAL AMOUNT OF THE LOAN MAY NOT EXCEED \$8,665,000, AND THE LOAN MUST BE PAYABLE OVER A TERM OF NOT TO EXCEED 30 YEARS AND MUST BEAR INTEREST AND CONTAIN OTHER TERMS AND PROVISIONS WITH RESPECT TO PREPAYMENT OR OTHERWISE AS ARE NOT INCONSISTENT WITH THIS SECTION AND AS THE DEPARTMENT APPROVES.~~

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 4 proceeds. The proceeds of the bonds authorized in [section
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 19 effective, a statutory appropriation must comply with both
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4 NEW SECTION. **Section 4.** Effective date. [This act] is
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-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 9, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 963 (third reading copy -- blue), respectfully report that House Bill No. 963 be amended and as so amended be concurred in:

1. Title, line 15.

Following: "i"

Insert: "APPROPRIATING THE LOAN PROCEEDS; PROVIDING A STATUTORY APPROPRIATION;"

2. Page 2, line 12.

Following: "\$8,665,000"

Strike: "i"

Insert: "for construction and related costs, plus the necessary amounts for capitalized interest, debt service, reserves, and financing costs,"

3. Page 2, line 20.

Following: "LOAN"

Strike: "AGREEMENT"

4. Page 3, line 6.

Following: "FUND"

Strike: ","

Insert: "and"

5. Page 3, line 8.

Following: "AGREEMENT"

Strike: ", AND"

Insert: ". Principal and interest payments"

6. Page 3, line 23.

Following: "SPECIAL"

Insert: "limited"

Signed:

Judy H. Jacobson
Judy H. Jacobson, Chairman

JM 4-9-91
Amd. Coord.

SB 4-9 2:45
Sec. of Senate

SENATE
HB 963

HOUSE BILL NO. 963

INTRODUCED BY BARDANOUE, REA, MADISON

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF EXAMINERS TO ISSUE LONG-RANGE BUILDING BONDS FOR THE CONSTRUCTION OF NEW FACILITIES AT THE MONTANA DEVELOPMENTAL CENTER; AUTHORIZING THE CREATION OF A STATE DEBT; DEPARTMENT OF INSTITUTIONS TO ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT COSTS OF THE FINANCING; AUTHORIZING THE CREATION OF A SPECIAL LIMITED OBLIGATION OF THE DEPARTMENT; APPROPRIATING THE LOAN PROCEEDS; PROVIDING A STATUTORY APPROPRIATION; AUTHORIZING THE PAYMENT OF THE SPECIAL LIMITED OBLIGATION FROM FACILITY REVENUES; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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~~section 2}, to be issued in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds. (1) THE DEPARTMENT OF INSTITUTIONS MAY ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT OF COSTS OF THE FINANCING. THE MAXIMUM PRINCIPAL AMOUNT OF THE LOAN MAY NOT EXCEED \$8,665,000 FOR CONSTRUCTION AND RELATED COSTS, PLUS THE NECESSARY AMOUNTS FOR CAPITALIZED INTEREST, DEBT SERVICE, RESERVES, AND FINANCING COSTS, AND THE LOAN MUST BE PAYABLE OVER A TERM OF NOT TO EXCEED 30 YEARS AND MUST BEAR INTEREST AND CONTAIN OTHER TERMS AND PROVISIONS WITH RESPECT TO PREPAYMENT OR OTHERWISE AS ARE NOT INCONSISTENT WITH THIS SECTION AND AS THE DEPARTMENT APPROVES.~~

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 10 PRINCIPAL AND INTEREST PAYMENTS AS DUE UNDER THE LOAN
 11 AGREEMENT,--AND. PRINCIPAL AND INTEREST PAYMENTS CONSTITUTE A
 12 STATUTORY APPROPRIATION WITHIN THE MEANING OF 17-7-502.
 13 WHENEVER THE FOREGOING FACILITY REVENUES EXCEED THE AMOUNT
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 17 AND THE DEPARTMENT PROVIDES SERVICES FOR THE DEVELOPMENTALLY
 18 DISABLED, THE DEPARTMENT SHALL USE THE MONTANA DEVELOPMENTAL
 19 CENTER FOR THOSE PURPOSES OR FOR OTHER PURPOSES AS PERMITTED
 20 BY THE LOAN AGREEMENT AND STATE LAW, EXCEPT WHEN FORECLOSURE
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 22 AGREEMENT MAY CONTAIN OTHER PROVISIONS OR AGREEMENTS THAT
 23 THE DEPARTMENT DETERMINES ARE NECESSARY AND THAT ARE NOT
 24 INCONSISTENT WITH THE PROVISIONS OF [SECTIONS 1 THROUGH 3].
 25 (3) THE OBLIGATIONS OF THE DEPARTMENT UNDER THE

1 AGREEMENT ARE SPECIAL LIMITED OBLIGATIONS PAYABLE SOLELY
 2 FROM THE FACILITY REVENUES AND DO NOT CONSTITUTE A DEBT OF
 3 THE STATE OR OBLIGATE THE STATE TO APPROPRIATE OR APPLY ANY
 4 FUNDS OR REVENUES OF THE STATE, EXCEPT THE FACILITY REVENUES
 5 AS PROVIDED IN THIS SECTION.

6 NEW SECTION. Section 2. Appropriation of bond
 7 proceeds. The proceeds of the bonds authorized in [section
 8 1] are appropriated to the department of administration to
 9 be used for the construction of new facilities at the
 10 Montana developmental center.

11 ~~NEW-SECTION:--Section-3--Requirement--for--approval--of~~
 12 ~~state-debt--Because--{section-i}--authorizes--the--creation--of--a~~
 13 ~~state-debt--a--vote--of--two--thirds--of--the--members--of--each~~
 14 ~~house--is--required--for--enactment--of--{this-act}.~~

15 SECTION 3. SECTION 17-7-502, MCA, IS AMENDED TO READ:

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

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

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

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

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

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

1 17-2-107, as determined by the state treasurer, an amount
2 sufficient to pay the principal and interest as due on the
3 bonds or notes have statutory appropriation authority for
4 such payments. (In subsection (3), pursuant to sec. 10, Ch.
5 664, L. 1987, the inclusion of 39-71-2504 terminates June
6 30, 1991.)"

7 NEW SECTION. **Section 4. Effective date.** [This act] is
8 effective on passage and approval.

-End-

4/23/91
3:50
PDA

Page 1 of 2

Mr. Speaker and Mr. President:

We, your Free Conference Committee met and considered House Bill 963 and recommend that House Bill 963 (reference copy -- salmon) be amended as follows:

1. Title, line 18.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "17-7-502"
Insert: "AND 53-1-413"

2. Page 2, line 15.
Following: "SERVICE"
Strike: "L"

3. Page 3, lines 5 and 6.
Following: " " on line 5
Strike: remainder of line 5 through "ALL"
Insert: "All"

4. Page 3, line 21.
Following: " "
Insert: "Notwithstanding 77-2-302(1) and upon foreclosure of a mortgage given to secure the loan agreement, there must be paid to the board of land commissioners as a first and prior claim against the mortgaged land an amount equal to the full market value of the land as determined by the board prior to the execution of the mortgage and after appraisal by a qualified land appraiser."

5. Page 3, line 24.
Strike: "[SECTIONS 1 THROUGH 3]"
Insert: "Title 90, chapter 7"

6. Page 6, line 7.
Following: line 6
Insert: "Section 4. Section 53-1-413, MCA, is amended to read:
"53-1-413. Deposit of payments. (1) Except as provided in [section 1] and subsection (2) of this section, the department shall deposit payments of per diem and ancillary charges in the state treasury to the credit of the general fund.
(2) Payments from the Montana veterans' home shall be deposited in the federal special revenue fund for the benefit of the home, and payments from the Montana state hospital alcohol

ADOPT

REJECT

program shall be deposited to an alcohol state special revenue account."
Renumber: subsequent section

And this Free Conference Committee report be adopted.

For the House:

Francis Bardanove
Rep. Bardanouve, Chair

James Madison
Rep. Madison

Mary Lou Peterson
Rep. Peterson

For the Senate:

Bengtson
Sen. Bengtson, Chair

Jack "Doc" Rea
Sen. Rea

Akilestad
Sen. Akilestad

HOUSE BILL NO. 963

INTRODUCED BY BARDANOUVE, REA, MADISON

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE BOARD OF EXAMINERS TO ISSUE LONG-RANGE BUILDING BONDS FOR THE CONSTRUCTION OF NEW FACILITIES AT THE MONTANA DEVELOPMENTAL CENTER, AUTHORIZING THE CREATION OF A STATE DEBT; DEPARTMENT OF INSTITUTIONS TO ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT COSTS OF THE FINANCING; AUTHORIZING THE CREATION OF A SPECIAL LIMITED OBLIGATION OF THE DEPARTMENT; APPROPRIATING THE LOAN PROCEEDS; PROVIDING A STATUTORY APPROPRIATION; AUTHORIZING THE PAYMENT OF THE SPECIAL LIMITED OBLIGATION FROM FACILITY REVENUES; AMENDING SECTION SECTIONS 17-7-502 AND 53-1-413, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Authorization of bonds. The board of examiners is authorized to issue and sell general obligation long-range building program bonds in an amount not exceeding \$8 million for the project described in

~~section 217 to be issued in accordance with the terms and in the manner required by Title 17, chapter 5, part 8. The authority granted to the board by this section is in addition to any other authorization to the board to issue and sell general obligation long-range building program bonds. (1) THE DEPARTMENT OF INSTITUTIONS MAY ENTER INTO A LOAN AGREEMENT WITH THE MONTANA HEALTH FACILITY AUTHORITY FOR THE PURPOSE OF FINANCING THE COSTS OF ACQUIRING, CONSTRUCTING, AND EQUIPPING FACILITIES FOR THE DEVELOPMENTALLY DISABLED AT THE MONTANA DEVELOPMENTAL CENTER IN BOULDER, INCLUDING THE ESTABLISHMENT OF RESERVES AND THE PAYMENT OF COSTS OF THE FINANCING. THE MAXIMUM PRINCIPAL AMOUNT OF THE LOAN MAY NOT EXCEED \$8,665,000, FOR CONSTRUCTION AND RELATED COSTS, PLUS THE NECESSARY AMOUNTS FOR CAPITALIZED INTEREST, DEBT SERVICE, RESERVES, AND FINANCING COSTS, AND THE LOAN MUST BE PAYABLE OVER A TERM OF NOT TO EXCEED 30 YEARS AND MUST BEAR INTEREST AND CONTAIN OTHER TERMS AND PROVISIONS WITH RESPECT TO PREPAYMENT OR OTHERWISE AS ARE NOT INCONSISTENT WITH THIS SECTION AND AS THE DEPARTMENT APPROVES.~~

(2) THE LOAN MAY BE SECURED BY A MORTGAGE ON THE MONTANA DEVELOPMENTAL CENTER FACILITY, INCLUDING THE LAND ON WHICH IT IS LOCATED. THE LOAN AGREEMENT CONSTITUTES A SPECIAL LIMITED OBLIGATION OF THE DEPARTMENT, AND THE PRINCIPAL AND INTEREST PAYMENTS REQUIRED BY THAT AGREEMENT

1 ARE PAYABLE SOLELY FROM THE FACILITY REVENUES OBTAINED BY
 2 THE DEPARTMENT FROM THE OWNERSHIP AND OPERATION OF AND THE
 3 PROVISION OF SERVICES AT THE MONTANA DEVELOPMENTAL CENTER,
 4 INCLUDING PAYMENTS OR REIMBURSEMENTS FROM PRIVATE USERS,
 5 INSURERS, AND THE FEDERAL GOVERNMENT. NOTWITHSTANDING--THE
 6 PROVISIONS-OF-53-1-413-OR-ANY-OTHER-STATUTORY-PROVISION--ALL
 7 ALL FACILITY REVENUES OBTAINED FROM SERVICES PROVIDED BY THE
 8 MONTANA DEVELOPMENTAL CENTER MUST BE DEPOSITED IN A SPECIAL
 9 REVENUE FUND, AND MUST BE APPLIED TO THE PAYMENT OF THE
 10 PRINCIPAL AND INTEREST PAYMENTS AS DUE UNDER THE LOAN
 11 AGREEMENT,--AND. PRINCIPAL AND INTEREST PAYMENTS CONSTITUTE A
 12 STATUTORY APPROPRIATION WITHIN THE MEANING OF 17-7-502.
 13 WHENEVER THE FOREGOING FACILITY REVENUES EXCEED THE AMOUNT
 14 AND TERMS SPECIFIED AND REQUIRED TO REPAY THE LOAN AND
 15 MAINTAIN REQUIRED RESERVES, THE EXCESS MUST BE DEPOSITED TO
 16 THE GENERAL FUND. AS LONG AS THE LOAN REMAINS OUTSTANDING
 17 AND THE DEPARTMENT PROVIDES SERVICES FOR THE DEVELOPMENTALLY
 18 DISABLED, THE DEPARTMENT SHALL USE THE MONTANA DEVELOPMENTAL
 19 CENTER FOR THOSE PURPOSES OR FOR OTHER PURPOSES AS PERMITTED
 20 BY THE LOAN AGREEMENT AND STATE LAW, EXCEPT WHEN FORECLOSURE
 21 OCCURS UNDER THE AGREEMENT OR THE MORTGAGE. NOTWITHSTANDING
 22 77-2-302(1) AND UPON FORECLOSURE OF A MORTGAGE GIVEN TO
 23 SECURE THE LOAN AGREEMENT, THERE MUST BE PAID TO THE BOARD
 24 OF LAND COMMISSIONERS AS A FIRST AND PRIOR CLAIM AGAINST THE
 25 MORTGAGED LAND AN AMOUNT EQUAL TO THE FULL MARKET VALUE OF

1 THE LAND AS DETERMINED BY THE BOARD PRIOR TO THE EXECUTION
 2 OF THE MORTGAGE AND AFTER APPRAISAL BY A QUALIFIED LAND
 3 APPRAISER. THE LOAN AGREEMENT MAY CONTAIN OTHER PROVISIONS
 4 OR AGREEMENTS THAT THE DEPARTMENT DETERMINES ARE NECESSARY
 5 AND THAT ARE NOT INCONSISTENT WITH THE PROVISIONS OF
 6 {SECTIONS-1-THROUGH-3} TITLE 90, CHAPTER 7.

7 (3) THE OBLIGATIONS OF THE DEPARTMENT UNDER THE
 8 AGREEMENT ARE SPECIAL LIMITED OBLIGATIONS PAYABLE SOLELY
 9 FROM THE FACILITY REVENUES AND DO NOT CONSTITUTE A DEBT OF
 10 THE STATE OR OBLIGATE THE STATE TO APPROPRIATE OR APPLY ANY
 11 FUNDS OR REVENUES OF THE STATE, EXCEPT THE FACILITY REVENUES
 12 AS PROVIDED IN THIS SECTION.

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 15 1} are appropriated to the department of administration to
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 19 state-debt:--Because--{section-1}--authorizes--the--creation--of--a
 20 state--debt,--a--vote--of--two-thirds--of--the--members--of--each
 21 house--is--required--for--enactment--of--{this-act};

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5 of the following provisions:

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5 Montana. Agencies that have entered into agreements
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8 17-2-107, as determined by the state treasurer, an amount
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18 charges in the state treasury to the credit of the general
19 fund.

20 (2) Payments from the Montana veterans' home shall be
21 deposited in the federal special revenue fund for the
22 benefit of the home, and payments from the Montana state
23 hospital alcohol program shall be deposited to an alcohol
24 state special revenue account."

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

HB 0963/04

1 effective on passage and approval.

-End-