

HOUSE BILL 965

Introduced by J. Brown, et al.

2/21	Introduced
2/21	Referred to State Administration
2/21	First Reading
2/21	Fiscal Note Requested
2/27	Fiscal Note Received
3/05	Fiscal Note Printed
	Died in Committee

1 legislative appropriation or budget amendment.

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

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

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

10 (3) The following laws are the only laws containing
11 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
12 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
13 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
14 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
15 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;
16 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
17 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;
18 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;
19 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;
20 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;
21 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136;
22 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306;
23 and section 13, House Bill No. 861, Laws of 1985; and
24 [section 2].

25 (4) There is a statutory appropriation to pay the

1 principal, interest, premiums, and costs of issuing, paying,
2 and securing all bonds, notes, or other obligations, as due,
3 that have been authorized and issued pursuant to the laws of
4 Montana. Agencies that have entered into agreements
5 authorized by the laws of Montana to pay the state
6 treasurer, for deposit in accordance with 17-2-101 through
7 17-2-107, as determined by the state treasurer, an amount
8 sufficient to pay the principal and interest as due on the
9 bonds or notes have statutory appropriation authority for
10 such payments. (In subsection (3), pursuant to sec. 10, Ch.
11 664, L. 1987, the inclusion of 39-71-2504 terminates June
12 30, 1991.)"

13 NEW SECTION. Section 4. Effective date. [This act] is
14 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 HB0965, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act allowing state agencies, the legislature, and the university system to sell or dispose of state property as part of source reduction and recycling activities; allowing the proceeds of source reduction and recycling activities to be used to physically improve the quality of the work environment; providing a statutory appropriation.

ASSUMPTIONS:


1. The proposed law would allow each state government entity to sell recyclable glass, aluminum cans, plastic and metal, plus paper outside the Helena area.
2. The property affected would not be defined to include white paper, colored paper or computer printout paper which is being recycled by the administration in a pilot "Recycle Montana" program, coordinated by the DNRC Energy Division, which currently includes 32 agencies operating in 41 Helena-area buildings with approximately 3,900 of the 4,200 state employees participating.
3. Some agencies are storing surplus or excess property which is not appropriate for disposal by the Department of Administration and the proposed bill would provide a vehicle for sale or disposition of such "white elephants".
4. Departments will continue to utilize the Property and Supply Bureau of the Department of Administration for disposal of equipment and the proposed bill will not affect any current state term contracts for salvage and for recyclable materials at the bureau.
5. Source reduction will not include surplus property resulting from downsizing government or its programs.
6. Because the bill does not define "source reduction", "recycling activities" and "quality of the work environment," it is not possible to determine the fiscal impact of this bill on the expenditures, revenues or audits of state agencies.


FISCAL IMPACT:

Unable to determine.

TECHNICAL NOTES:

1. Disposal of surplus equipment currently is being provided by the Property and Supply Bureau, Dept. of Administration.
2. This program would be unauditible by the Legislative Auditor in accordance with 5-13-308, MCA, without a definition of "source reduction", "recycling activities" and the "quality of the work environment."
3. Section 1 (4) is unclear about who makes the determination that the property to be sold is not needed or used by any state institution or by any department of state government. Will this continue to be the responsibility of the Department of Administration?
4. Section 1 (4) requires money received be deposited in the state special revenue fund or the general fund. Federal regulations require that money from the sale of property purchased with federal funds be returned to the federal fund. Some agencies would need to deposit such receipts in a pension trust fund and the university system would need to deposit into the unrestricted subfund.
5. There appears to be a conflict in Section 1 between subsections (3) and (4).


ROD SUNDSTED, BUDGET DIRECTOR 2-27-91 DATE
Office of Budget and Program Planning


JAN BROWN, PRIMARY SPONSOR 3-5-91 DATE
Fiscal Note for HB0965, as introduced HB 965