

1 Section 3. There is a new R.C.M. section that reads as
2 follows:

3 Appropriation. There is appropriated \$2,440,000 for the
4 biennium ending June 30, 1979, from the moneys allocated to
5 the pooled investment fund under 50-1810 for the support of
6 public schools, institutions, and the university system, to
7 the department of administration for a physical education
8 and recreation complex at the Montana school for the deaf
9 and blind.

10 Section 4. There is a new R.C.M. section that reads as
11 follows:

12 Appropriation. There is appropriated \$2 million for the
13 biennium ending June 30, 1979, or so much thereof as is
14 necessary to purchase a replacement for the Xerox Sigma 7
15 computer at Montana state university from the moneys
16 allocated to the pooled investment fund under 50-1810 for
17 the support of public schools, institutions, and the
18 university system, to the board of regents for the purpose
19 of replacing this computer.

20 Section 5. There is a new R.C.M. section that reads as
21 follows:

22 Appropriation. There is appropriated \$1,439,700 for the
23 biennium ending June 30, 1979, from the moneys allocated to
24 the pooled investment fund under 50-1810 for the support of
25 public schools, institutions, and the university system, to

1 the board of regents for the purposes of constructing
2 additional greenhouse and farm facilities and renovation of
3 the present greenhouse, all at the agricultural experiment
4 station near Bozeman.

5 Section 6. There is a new R.C.M. section that reads as
6 follows:

7 Priorities. As moneys become available for the
8 appropriations made by this act, they shall be used first to
9 pay obligations incurred under section 3, then to pay
10 obligations incurred under section 4, and then to pay
11 obligations incurred under section 5.

-End-

Approved by Comm. on
Appropriations

HOUSE BILL NO. 823

INTRODUCED BY FABREGA, O'CONNELL, KENNY, COONEY, ROTH,
GILLIGAN, GOULD, MOORE, McLANE, HARRINGTON, MULAR, FEDA,
MEYER, PISTORIA, STAIGMILLER, O'KEEFE, VINCENT, SEIFERT,
HAND, QUILICI, ESTENSON, LYNCH, ELLISON, BURNETT, STOBIE,
MYRICK, LUND, WOOD, DAY, NATHE, HURWITZ, CURTISS, KANDUCH,
TOWER, UNDERDAL, G. GUNDERSON, BARRETT, KROPP, RYAN, FAGG,
DAVIS, RAMIREZ, COURTNEY, MANUEL, SCULLY, AAGESON, VINGER,
UHDE, SEVERSON, ERNST, LIEN, CONROY, KEYSER, JENSEN, ELLIS,
LORY, JOHNSTON, W. BAETH, R. BAETH, PALMER, TROPILA, ELLERD

A BILL FOR AN ACT ENTITLED: ~~"AN ACT TO APPROPRIATE FUNDS
FOR CAPITAL PROJECTS AT THE SCHOOL FOR THE DEAF AND BLIND
AND MONTANA STATE UNIVERSITY FROM THE EDUCATION TRUST FUND
ACCOUNT; REVOKING AN ACT ALLOWING FUNDS TO BE APPROPRIATED
FOR CAPITAL BUILDING PROJECTS FROM THE STATUTORY EDUCATION
TRUST FUND; REVISING THE STATUTORY DECLARATION OF TRUST
RELATIVE TO THAT ACCOUNT; AMENDING SECTION 50-1810, R.C.M.
1947."~~

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

Section 1. There is a new R.C.M. section that reads as
follows:

Purposes. The legislature finds that the policy
considerations which lead to reserving a portion of coal tax

collections in a statutory trust fund for educational
purposes have since been more fully satisfied by the action
of the people in adding section 5 of Article IX of the
Montana constitution. Since no legislature can limit the
powers of a subsequent session of the same legislature, the
trust established by the 44th Montana legislature in section
11, Chapter 502, Laws of 1975, necessarily reserves a power
of revocation to the legislature, and this 45th Montana
legislature hereby revokes REVISES that trust. ~~The other
purpose of this act is to appropriate the coal taxes
allocated to the revoked trust fund for the next biennium to
the institutions and the Montana university system. THE
OTHER PURPOSE OF THIS ACT IS TO ALLOW THE LEGISLATURE TO
APPROPRIATE A PORTION OF THE CORPUS OF THE TRUST FOR CAPITAL
BUILDING PROJECTS OF PUBLIC SCHOOLS AND THE UNIVERSITY
SYSTEM.~~

Section 2. Section 50-1810, R.C.M. 1947, is amended to
read as follows:

"50-1810. Disposition of interest from unexpended
balance. The unexpended balance in the local impact and
education trust fund account shall be invested as provided
by statute by the state board of investments. ~~Ten percent
(10%) of the income from such investments each year shall be
added to the principal of the account to be segregated and
held in trust. TEN PERCENT (10%) OF THE INCOME FROM SUCH~~

1 INVESTMENTS EACH YEAR SHALL BE ADDED TO THE PRINCIPAL OF THE
 2 ACCOUNT TO BE SEGREGATED AND HELD IN TRUST until
 3 appropriated for the purposes of supporting the public
 4 schools, institutions and university systems of the state.
 5 ~~Of the remaining ninety percent (90%) of the income from~~
 6 ~~such investments, three-fourths (3/4) shall be annually paid~~
 7 ~~into the earmarked revenue fund, for state equalization aid~~
 8 ~~to public schools of the state and one-fourth (1/4) each~~
 9 ~~year shall be paid to the board of regents of higher~~
 10 ~~education for use by the institutions of higher learning in~~
 11 ~~the state of Montana subject to the budgeting authority of~~
 12 ~~the legislature.~~ OF THE REMAINING NINETY PERCENT (90%) OF
 13 THE INCOME FROM SUCH INVESTMENTS, THREE-FOURTHS (3/4) SHALL
 14 BE ANNUALLY PAID INTO THE EARMARKED REVENUE FUND, FOR STATE
 15 EQUALIZATION AID TO PUBLIC SCHOOLS OF THE STATE AND
 16 ONE-FOURTH (1/4) EACH YEAR SHALL BE PAID TO THE BOARD OF
 17 REGENTS OF HIGHER EDUCATION FOR USE BY THE INSTITUTIONS OF
 18 HIGHER LEARNING IN THE STATE OF MONTANA SUBJECT TO THE
 19 BUDGETING AUTHORITY OF THE LEGISLATURE. Except as provided
 20 in section 50-1006(4) herein the principal of the local
 21 impact and educational trust fund shall be dedicated to
 22 education and forever remain inviolate and sacred to this
 23 purpose as provided in sections 3 and 10 of this Article X
 24 of the Montana constitution"

25 Section 3. There is a new R.C.M. section that reads as

1 follows:

2 Appropriations---There is appropriated \$2,440,000 for
 3 the biennium ending June 30, 1979, from the moneys allocated
 4 to the pooled investment fund under 50-1010 for the support
 5 of public schools, institutions, and the university system
 6 to the department of administration for a physical education
 7 and recreation complex at the Montana school for the deaf
 8 and blind.

9 Section 4. There is a new R.C.M. section that reads as
 10 follows:

11 Appropriations---There is appropriated \$2 million for
 12 the biennium ending June 30, 1979, or so much thereof as is
 13 necessary to purchase a replacement for the Xerox Sigma 7
 14 computer at Montana state university from the moneys
 15 allocated to the pooled investment fund under 50-1010 for
 16 the support of public schools, institutions, and the
 17 university system to the board of regents for the purpose
 18 of replacing this computer.

19 Section 5. There is a new R.C.M. section that reads as
 20 follows:

21 Appropriations---There is appropriated \$1,439,700 for
 22 the biennium ending June 30, 1979, from the moneys allocated
 23 to the pooled investment fund under 50-1010 for the support
 24 of public schools, institutions, and the university system
 25 to the board of regents for the purposes of constructing

1 ~~additional greenhouse and farm facilities and renovation of~~
2 ~~the present greenhouse at the agricultural experiment~~
3 ~~station near Bozeman.~~

4 ~~Section 6. There is a new R&E M. section that reads as~~
5 ~~follows:~~

6 ~~Priorities. As moneys become available for the~~
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8 ~~pay obligations incurred under section 3, then to pay~~
9 ~~obligations incurred under section 4, and then to pay~~
10 ~~obligations incurred under section 5.~~

11 SECTION 3. APPROPRIATION. THERE IS APPROPRIATED THE
12 UNENCUMBERED BALANCE ON JUNE 30, 1977 IN THE LOCAL IMPACT
13 AND EDUCATION TRUST FUND ACCOUNT ESTABLISHED IN 50-1802(1)
14 TO ACCOUNT 06142 FOR THE LONG-RANGE BUILDING PROGRAM.

-End-

HOUSE BILL NO. 823

INTRODUCED BY FABREGA, O'CONNELL, KENNY, COONEY, ROTH,
 GILLIGAN, GOULD, MOORE, McLANE, HARRINGTON, MULAR, FEDA,
 MEYER, PISTORIA, STAIGMILLER, O'KEEFE, VINCENT, SEIFERT,
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Purposes. The legislature finds that the policy considerations which lead to reserving a portion of coal tax

collections in a statutory trust fund for educational purposes have since been more fully satisfied by the action of the people in adding section 5 of Article IX of the Montana constitution. Since no legislature can limit the powers of a subsequent session of the same legislature, the trust established by the 44th Montana legislature in section 11, Chapter 502, Laws of 1975, necessarily reserves a power of revocation to the legislature, and this 45th Montana legislature hereby ~~revokes~~ REVISES that trust. ~~The other purpose of this act is to appropriate the coal taxes allocated to the revoked trust fund for the next biennium to the institutions and the Montana university system. THE OTHER PURPOSE OF THIS ACT IS TO ALLOW THE LEGISLATURE TO APPROPRIATE A PORTION OF THE CORPUS OF THE TRUST FOR CAPITAL BUILDING PROJECTS OF PUBLIC SCHOOLS AND THE UNIVERSITY SYSTEM.~~

Section 2. Section 50-1810, R.C.M. 1947, is amended to read as follows:

"50-1810. Disposition of interest from unexpended balance. The unexpended balance in the local impact and education trust fund account shall be invested as provided by statute by the state board of investments, ~~ten percent (10%) of the income from such investments each year shall be added to the principal of the account to be segregated and held in trust, TEN PERCENT (10%) OF THE INCOME FROM SUCH~~

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 13 THE INCOME FROM SUCH INVESTMENTS, THREE-FOURTHS (3/4) SHALL
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 15 EQUALIZATION AID TO PUBLIC SCHOOLS OF THE STATE AND
 16 ONE-FOURTH (1/4) EACH YEAR SHALL BE PAID TO THE BOARD OF
 17 REGENTS OF HIGHER EDUCATION FOR USE BY THE INSTITUTIONS OF
 18 HIGHER LEARNING IN THE STATE OF MONTANA SUBJECT TO THE
 19 BUDGETING AUTHORITY OF THE LEGISLATURE. ~~Except as provided~~
 20 ~~in section 50-1886(4) herein the principal of the local~~
 21 ~~impact and educational trust fund shall be dedicated to~~
 22 ~~education and forever remain inviolate and sacred to this~~
 23 ~~purpose as provided in sections 3 and 10 of this Article X~~
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11 SECTION 3. APPROPRIATION. THERE IS APPROPRIATED THE
12 UNENCUMBERED BALANCE ON JUNE 30, 1977 IN THE LOCAL IMPACT
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14 TO ACCOUNT 06142 FOR THE LONG-RANGE BUILDING PROGRAM.

-End-

April 19, 1977

SENATE
COMMITTEE OF THE WHOLE

That House Bill No. 823 be amended as follows:

1. Amend page 3, section 2, line 19.

Following: "LEGISLATURE."

Insert: "Except as provided in section 50-1806(4) herein the principal of the local impact and educational trust fund shall be dedicated to education and forever remain inviolate and sacred to this purpose as provided in sections 3 and 10 of this Article X of the Montana constitution."

2. Amend page 5, section 3, lines 11 and 12.

Following: "APPROPRIATED"

Strike: "THE UNENCUMBERED BALANCE"

Insert: "90% of the earned interest"

Following: "1977"

Insert: "and 1979"

3. Amend page 5, section 3, line 13.

Following: "50-1802(1)"

Insert: "and 1/2 of the income from the coal trust fund established under section 84-1319(1)"

4. Amend page 5, section 3, line 14.

Following: "PROGRAM"

Insert: "to be used for public schools and institutions of higher learning"