

1 H BILL NO. 175  
 2 INTRODUCED BY Dussel (Legislative Audit  
 3 Committee)

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
 5 79-306 AND 84-723, R.C.M. 1947, RELATING TO THE DEPOSIT OF  
 6 MONEYS IN THE STATE TREASURY."

7  
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 79-306, R.C.M. 1947, is amended to  
 10 read as follows:

11 "79-306. State treasurer as treasurer of state  
 12 agencies -- deposits of moneys. (1) The state treasurer is  
 13 designated the treasurer of every state agency and  
 14 institution.

15 (2) All state agencies and institutions shall deposit  
 16 daily all moneys, credits, evidences of indebtedness, and  
 17 securities either in banks, building and loan associations  
 18 or savings and loan associations located in the city or town  
 19 in which the agencies and institutions are situated if there  
 20 is a qualified bank, building and loan association or  
 21 savings and loan association in the city or town as  
 22 designated by the state treasurer with the approval of the  
 23 board of investments, or with the state treasurer. Such  
 24 banks, building and loan association or savings and loan  
 25 association shall pledge securities sufficient to cover the

1 deposits at all times, and the deposits shall be made in the  
 2 name of the state treasurer, and shall be subject to  
 3 withdrawal at his option, and shall draw interest as other  
 4 state moneys, in accordance with the provisions of sections  
 5 79-301 and 79-302.

6 (3) Nothing in this chapter shall impair or otherwise  
 7 affect any covenant entered into pursuant to law by any  
 8 agency or institution respecting the segregation, deposit,  
 9 and investments of any revenues or funds pledged for the  
 10 payment and security of bonds or other obligations  
 11 authorized to be issued by such agency, and all such funds  
 12 shall be deposited and invested in accordance with such  
 13 covenants notwithstanding any provision of this chapter.

14 (4) All moneys, credits, evidences of indebtedness,  
 15 and securities received by a state agency or institution  
 16 shall be deposited either with the state treasurer or in a  
 17 depository approved by the state treasurer whenever the  
 18 amount of coin and currency requiring deposit exceeds \$100  
 19 or total collections exceed \$500. All moneys, credits,  
 20 evidences of indebtedness, and securities collected shall be  
 21 deposited at least weekly."

22 Section 2. Section 84-723, R.C.M. 1947, is amended to  
 23 read as follows:

24 "84-723. Collection of nonresident inheritance taxes,  
 25 gross earnings on freight lines, license taxes imposed by

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1 state department of revenue. The duty of collecting the  
2 nonresident inheritance taxes, all gross earning taxes on  
3 freight lines, and the following license taxes, to wit: The  
4 corporation license tax, taxes on express companies and  
5 sleeping car companies, coal mines, and dealers license  
6 taxes, metalliferous mines license tax, cement producers and  
7 dealers license taxes, the gasoline distributors and dealers  
8 license tax, the oil producer's license tax and all other  
9 license taxes determined by the state department of revenue,  
10 the responsibility for collection of which has heretofore  
11 been imposed upon the state treasurer are hereby transferred  
12 from the state treasurer to the state department of revenue;  
13 such collections to be ~~turned-over-to~~ deposited with the  
14 state treasurer ~~on-the-10th-and-25th-day-of-each--and--every~~  
15 month as required by law, and it is further provided that  
16 all duties heretofore imposed by law upon the state  
17 treasurer, with reference to the collection and issuance of  
18 receipts for any of the above named license taxes, or other  
19 taxes above enumerated, are hereby imposed upon the state  
20 department of revenue."

-End-

SECOND READING

MISSING

## 1 HOUSE BILL NO. 175

2 INTRODUCED BY DRISCOLL (LEGISLATIVE AUDIT COMMITTEE)

3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
5 79-306 AND 84-723, R.C.M. 1947, RELATING TO THE DEPOSIT OF  
6 MONEYS IN THE STATE TREASURY."

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8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9 Section 1. Section 79-306, R.C.M. 1947, is amended to  
10 read as follows:11 "79-306. State treasurer as treasurer of state  
12 agencies -- deposits of moneys. (1) The state treasurer is  
13 designated the treasurer of every state agency and  
14 institution.

15 (2) All state agencies and institutions shall deposit  
16 daily all moneys, credits, evidences of indebtedness, and  
17 securities either in banks, building and loan associations  
18 or savings and loan associations located in the city or town  
19 in which the agencies and institutions are situated if there  
20 is a qualified bank, building and loan association or  
21 savings and loan association in the city or town as  
22 designated by the state treasurer with the approval of the  
23 board of investments, or with the state treasurer. Such  
24 banks, building and loan association or savings and loan  
25 association shall pledge securities sufficient to cover the

1 deposits at all times, and the deposits shall be made in the  
2 name of the state treasurer, and shall be subject to  
3 withdrawal at his option, and shall draw interest as other  
4 state moneys, in accordance with the provisions of sections  
5 79-301 and 79-302.

6 (3) Nothing in this chapter shall impair or otherwise  
7 affect any covenant entered into pursuant to law by any  
8 agency or institution respecting the segregation, deposit,  
9 and investments of any revenues or funds pledged for the  
10 payment and security of bonds or other obligations  
11 authorized to be issued by such agency, and all such funds  
12 shall be deposited and invested in accordance with such  
13 covenants notwithstanding any provision of this chapter.

14 (4) All moneys, credits, evidences of indebtedness,  
15 and securities received by a state agency or institution  
16 shall be deposited either with the state treasurer or in a  
17 depository approved by the state treasurer whenever EACH DAY  
18 the amount of coin and currency requiring deposit exceeds  
19 \$100 or total collections exceed \$500. All moneys, credits,  
20 evidences of indebtedness, and securities collected shall be  
21 deposited at least weekly."

22 Section 2. Section 84-723, R.C.M. 1947, is amended to  
23 read as follows:24 "84-723. Collection of nonresident inheritance taxes,  
25 gross earnings on freight lines, license taxes imposed by

1 state department of revenue. The duty of collecting the  
 2 nonresident inheritance taxes, all gross earning taxes on  
 3 freight lines, and the following license taxes, to wit: The  
 4 corporation license tax, taxes on express companies and  
 5 sleeping car companies, coal mines, and dealers license  
 6 taxes, metalliferous mines license tax, cement producers and  
 7 dealers license taxes, the gasoline distributors and dealers  
 8 license tax, the oil producer's license tax and all other  
 9 license taxes determined by the state department of revenue,  
 10 the responsibility for collection of which has heretofore  
 11 been imposed upon the state treasurer are hereby transferred  
 12 from the state treasurer to the state department of revenue;  
 13 such collections to be ~~turned over to~~ deposited with the  
 14 state treasurer ~~on the 10th and 25th day of each and every~~  
 15 ~~month~~ as required by law, and it is further provided that  
 16 all duties heretofore imposed by law upon the state  
 17 treasurer, with reference to the collection and issuance of  
 18 receipts for any of the above named license taxes, or other  
 19 taxes above enumerated, are hereby imposed upon the state  
 20 department of revenue."

-End-

March 17, 1977

STANDING COMMITTEE REPORT  
Senate Committee on State Administration

That House Bill No. 175 be amended as follows:

1. Amend title, line 4.

Following: "SECTIONS"

Insert: "4-1-407, 32-3403, 68-1901,"

2. Amend title, line 5.

Following: "79-306"

Insert: ",79-1401, 84-5606.6,"

3. Amend page 1, section 1, line 9.

Following: line 8

Insert: "Section 1. Section 4-1-407, R.C.M. 1947, is amended to read as follows:

"4-1-407. Revenue to be paid to state treasurer -- disposition of revenue. Except as provided in section 4-1-408 of this code, all fees, charges, taxes and revenues collected by or under authority of the Montana department, shall be ~~paid-over-to~~ deposited with the state treasurer. ~~on-or-before-the-tenth-(10th)-day-of-each-and-every-month~~ who He shall deposit said the funds to the credit of the state general fund."

Section 2. Section 32-3403, R.C.M. 1947, is amended to read as follows:

"32-3403. Disposition of funds collected. The department of justice shall retain five per cent (5%) of the funds collected in payment of the trip fees to defray costs of administration. The remaining ninety-five per cent (95%) shall be ~~remitted~~ transferred, on or before the fifteenth day of each month after collection, ~~to-the-state-treasurer-for-deposit~~ to the credit of the department of highways."

Section 3. Section 68-1901, R.C.M. 1947, is amended to read as follows:

"68-1901. Management of fund. The retirement fund shall be managed as follows:

(1) The board of administration shall have exclusive control of the administration of the fund except as otherwise provided.

(2) The fund shall be invested by the state board of investments as part of the long-term investment fund.

(3) The department of administration shall deposit ~~monthly~~ in the state treasury all amounts received by it as provided in this act.

(4) The state treasurer shall be custodian of the retirement fund, subject to the exclusive control of the board of administration as to the administration thereof and the board of investments as to the investment thereof.

(5) Interest earned on any cash deposit in a bank by the state treasurer and income on other assets constituting a part of the fund shall be paid into the fund as received. Income, of whatever nature, earned on the retirement fund during any fiscal year, in excess of the interest credited to contributions during that year shall be retained in the fund as a reserve against deficiencies in interest earned in other years, losses under investments, and other contingencies.

(6) Except as herein provided, no member and no employee of the department of administration shall have any interest direct, or indirect, in the making of any investment, or in the gains or profits accruing therefrom. And no member or employee of the department directly or indirectly, for himself or as an agent or partner of others, may borrow any of its funds or deposits, nor shall any member or employee in any manner use the same except to make such current and necessary payments as are authorized by the department nor shall any member or employee of the department become an endorser or surety as to or in any manner an obligor for investments for the retirement system.""  
Renumber: subsequent sections

4. Amend page 2, section 1, line 17.  
Following: "DAY"  
Insert: "when"

5. Amend page 2, section 1, line 18.  
Following: "the"  
Insert: "accumulated"

6. Amend page 2, section 2, line 22.  
Following: line 21  
Insert: "Section 5. Section 79-1401, R.C.M. 1947, is amended to read as follows:

"79-1401. ~~Monthly-deposit~~ Deposit of moneys received from permanent grants of state educational institutions. All moneys received from the investment of grants of a state institution and all money received from the leasing of lands granted to a state institution shall, ~~at-the-close-of-each-calendar-month,~~ be deposited with the state treasurer of Montana for each of such institutions, to the credit of the federal and private revenue fund."

Section 6. Section 84-5606.6, R.C.M. 1947, is amended to read as follows:

"84-5606.6. Disposition of license fees--appropriations--transfer to general fund--justification of expenses. All license fees collected under the provisions of this act shall be deposited ~~monthly~~ with the state treasurer in the department's cigarette enforcement account in the earmarked revenue fund. There shall be appropriated to the department, from said cigarette enforcement account, such sum as may be necessary to comply with the provisions of this act for the fiscal biennium ending June 30, 1971. On or before June 30, 1971, the department shall pay to the state treasurer to the credit of the state general fund, all funds in excess of seven thousand five hundred dollars (\$7,500) in said cigarette enforcement account, not needed for the administration of this act.

For the biennium beginning July 1, 1971, and each biennium thereafter, there shall be appropriated to the department a sum deemed justified and reasonable to operate the department's cigarette enforcement division, providing that after payment of all pending and known expenses, all sums so appropriated in excess of seven thousand five hundred dollars (\$7,500) not needed for the administration of this act, shall be transferred to the state general fund to be available for general fund purposes. Such transfer shall be made within fifteen (15) days of the last day of the biennium.

All expenses charged against said cigarette enforcement account shall be justified by itemized claims coupled with standard accounting reports.""

## HOUSE BILL NO. 175

INTRODUCED BY DRISCOLL (LEGISLATIVE AUDIT COMMITTEE)

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTIONS  
~~4-1-407, 32-3403, 68-1901, 79-306, 79-1401, 84-5606, 6, AND~~  
 84-723, R.C.M. 1947, RELATING TO THE DEPOSIT OF MONEYS IN  
 THE STATE TREASURY."

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

SECTION 1. SECTION 4-1-407, R.C.M. 1947, IS AMENDED TO  
READ AS FOLLOWS:

"4-1-407. Revenue to be paid to state treasurer --  
 disposition of revenue. Except as provided in section  
 4-1-408 of this code, all fees, charges, taxes and revenues  
 collected by or under authority of the Montana department,  
 shall be ~~paid over to~~ deposited with the state treasurer on  
~~or before the tenth (10th) day of each and every month when~~  
~~he~~ shall deposit ~~said~~ the funds to the credit of the state  
 general fund."

SECTION 2. SECTION 32-3403, R.C.M. 1947, IS AMENDED TO  
READ AS FOLLOWS:

"32-3403. Disposition of funds collected. The  
 department of justice shall retain five per cent (5%) of the  
 funds collected in payment of the trip fees to defray costs  
 of administration. The remaining ninety-five per cent (95%)

shall be ~~remitted transferred,~~ on or before the fifteenth  
 day of each month after collection, ~~to the state treasurer~~  
~~for deposit~~ to the credit of the department of highways."

SECTION 3. SECTION 68-1901, R.C.M. 1947, IS AMENDED TO  
READ AS FOLLOWS:

"68-1901. Management of fund. The retirement fund  
 shall be managed as follows:

(1) The board of administration shall have exclusive  
 control of the administration of the fund except as  
 otherwise provided.

(2) The fund shall be invested by the state board of  
 investments as part of the long-term investment fund.

(3) The department of administration shall deposit  
 monthly in the state treasury all amounts received by it as  
 provided in this act.

(4) The state treasurer shall be custodian of the  
 retirement fund, subject to the exclusive control of the  
 board of administration as to the administration thereof and  
 the board of investments as to the investment thereof.

(5) Interest earned on any cash deposit in a bank by  
 the state treasurer and income on other assets constituting  
 a part of the fund shall be paid into the fund as received.  
 Income, of whatever nature, earned on the retirement fund  
 during any fiscal year, in excess of the interest credited  
 to contributions during that year shall be retained in the



1 fund as a reserve against deficiencies in interest earned in  
 2 other years, losses under investments, and other  
 3 contingencies.

4 (6) Except as herein provided, no member and no  
 5 employee of the department of administration shall have any  
 6 interest direct, or indirect, in the making of any  
 7 investment, or in the gains or profits accruing therefrom.  
 8 And no member or employee of the department directly or  
 9 indirectly, for himself or as an agent or partner of others,  
 10 may borrow any of its funds or deposits, nor shall any  
 11 member or employee in any manner use the same except to make  
 12 such current and necessary payments as are authorized by the  
 13 department nor shall any member or employee of the  
 14 department become an endorser or surety as to or in any  
 15 manner an obligor for investments for the retirement  
 16 system."

17 Section 4. Section 79-306, R.C.M. 1947, is amended to  
 18 read as follows:

19 "79-306. State treasurer as treasurer of state  
 20 agencies -- deposits of moneys. (1) The state treasurer is  
 21 designated the treasurer of every state agency and  
 22 institution.

23 (2) All state agencies and institutions shall deposit  
 24 ~~daily~~ all moneys, credits, evidences of indebtedness, and  
 25 securities either in banks, building and loan associations

1 or savings and loan associations located in the city or town  
 2 in which the agencies and institutions are situated if there  
 3 is a qualified bank, building and loan association or  
 4 savings and loan association in the city or town as  
 5 designated by the state treasurer with the approval of the  
 6 board of investments, or with the state treasurer. Such  
 7 banks, building and loan association or savings and loan  
 8 association shall pledge securities sufficient to cover the  
 9 deposits at all times, and the deposits shall be made in the  
 10 name of the state treasurer, and shall be subject to  
 11 withdrawal at his option, and shall draw interest as other  
 12 state moneys, in accordance with the provisions of sections  
 13 79-301 and 79-302.

14 (3) Nothing in this chapter shall impair or otherwise  
 15 affect any covenant entered into pursuant to law by any  
 16 agency or institution respecting the segregation, deposit,  
 17 and investments of any revenues or funds pledged for the  
 18 payment and security of bonds or other obligations  
 19 authorized to be issued by such agency, and all such funds  
 20 shall be deposited and invested in accordance with such  
 21 covenants notwithstanding any provision of this chapter.

22 ~~(4) All moneys, credits, evidences of indebtedness,  
 23 and securities received by a state agency or institution  
 24 shall be deposited either with the state treasurer or in a  
 25 depository approved by the state treasurer whenever EACH DAY~~

1 WHEN the ACCUMULATED amount of coin and currency requiring  
 2 deposit exceeds \$100 or total collections exceed \$500. All  
 3 moneys, credits, evidences of indebtedness, and securities  
 4 collected shall be deposited at least weekly."

5 SECTION 5. SECTION 79-1401, R.C.M. 1947, IS AMENDED TO  
 6 READ AS FOLLOWS:

7 "79-1401. Monthly--deposit Deposits of moneys received  
 8 from permanent grants of state educational institutions. All  
 9 moneys received from the investment of grants of a state  
 10 institution and all money received from the leasing of lands  
 11 granted to a state institution shall, ~~at the close of each~~  
 12 ~~calendar month~~ be deposited with the state treasurer of  
 13 Montana for each of such institutions, to the credit of the  
 14 federal and private revenue fund."

15 SECTION 6. SECTION 84-5606.6, R.C.M. 1947, IS AMENDED  
 16 TO READ AS FOLLOWS:

17 "84-5606.6. Disposition of license fees --  
 18 appropriations -- transfer to general fund -- justification  
 19 of expenses. All license fees collected under the provisions  
 20 of this act shall be deposited monthly with the state  
 21 treasurer in the department's cigarette enforcement account  
 22 in the earmarked revenue fund. There shall be appropriated  
 23 to the department, from said cigarette enforcement account,  
 24 such sum as may be necessary to comply with the provisions  
 25 of this act for the fiscal biennium ending June 30, 1971. On

1 or before June 30, 1971, the department shall pay to the  
 2 state treasurer to the credit of the state general fund, all  
 3 funds in excess of seven thousand five hundred dollars  
 4 (\$7,500) in said cigarette enforcement account, not needed  
 5 for the administration of this act.

6 For the biennium beginning July 1, 1971, and each  
 7 biennium thereafter, there shall be appropriated to the  
 8 department a sum deemed justified and reasonable to operate  
 9 the department's cigarette enforcement division, providing  
 10 that after payment of all pending and known expenses, all  
 11 sums so appropriated in excess of seven thousand five  
 12 hundred dollars (\$7,500) not needed for the administration  
 13 of this act, shall be transferred to the state general fund  
 14 to be available for general fund purposes. Such transfer  
 15 shall be made within fifteen (15) days of the last day of  
 16 the biennium.

17 All expenses charged against said cigarette enforcement  
 18 account shall be justified by itemized claims coupled with  
 19 standard accounting reports."

20 Section 7. Section 84-723, R.C.M. 1947, is amended to  
 21 read as follows:

22 "84-723. Collection of nonresident inheritance taxes,  
 23 gross earnings on freight lines, license taxes imposed by  
 24 state department of revenue. The duty of collecting the  
 25 nonresident inheritance taxes, all gross earning taxes on

1 freight lines, and the following license taxes, to wit: The  
2 corporation license tax, taxes on express companies and  
3 sleeping car companies, coal mines, and dealers license  
4 taxes, metalliferous mines license tax, cement producers and  
5 dealers license taxes, the gasoline distributors and dealers  
6 license tax, the oil producer's license tax and all other  
7 license taxes determined by the state department of revenue,  
8 the responsibility for collection of which has heretofore  
9 been imposed upon the state treasurer are hereby transferred  
10 from the state treasurer to the state department of revenue;  
11 such collections to be ~~turned-over--to~~ deposited with the  
12 state treasurer ~~on the 10th and 25th day of each and every~~  
13 ~~month as required by law,~~ and it is further provided that  
14 all duties heretofore imposed by law upon the state  
15 treasurer, with reference to the collection and issuance of  
16 receipts for any of the above named license taxes, or other  
17 taxes above enumerated, are hereby imposed upon the state  
18 department of revenue."

-End-