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

Section 1. There is a new R.C.M. section that reads as the 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 power of revocation to the legislature, and this 45th montana legislature hereby revokes 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.

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****-Fen--percent t18%; of the income from such investments each year shall be added--to--the-principal-of-the-account-to-be-segregated-and held-in-trust until appropriated for the purposes of supporting the public schools, institutions, and university systems of the state. Of-the-remaining-ninety-percent-(90%) of-the-income-from--such--investmentsy--three-fourths---+3/41 shall-be-annually-paid-into-the-earmarked-revenue-fundy-for state-equalization-aid-to-public-schools-of--the--state--and one-fourth--(1/4)--each--year--shall-be-paid-to-the-board-of regents-of-higher-education-for-use-by-the--institutions--of higher--learning--in--the--state--of--Montana-subject-to-the budgeting-outhority-of-the-legislaturew-Except--as--provided in--section--50-1886/41--herein--the--princips1-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--* of-the-Montana-constitution="

Lt 1669/01

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

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24 25 Appropriation. There is appropriated \$2,440,000 for the biennium ending June 30, 1979, from the moneys allocated to the pooled investment fund under 50-1810 for the support of public schools, institutions, and the university system, to the department of administration for a physical education and recreation complex at the Montana school for the deaf and blind.

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

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

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

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

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

Section 6. There is a new R.C.M. section that read: as 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 obligations incurred under section 4, and then to pay obligations incurred under section 5.

-End-

45th Legislature HB 0823/02

Approved by Comm. on Appropriations

1	HOUSE BILL NO. 823
2	INTRODUCED BY FABREGA, C'CONNELL, KENNY, COONEY, ROTH,
3	GILLIGAN, GOULD, MOORE, MCLANE, HARRINGTON, MULAR, FEDA,
4	MEYER, PISTORIA, STAIGMILLER, O'KEEFE, VINCENT, SEIFERT,
5	HAND, QUILICI, ESTENSON, LYNCH, ELLISON, BURNETT, STOBIE,
6	WYRICK, LUND, WOOD, DAY, NATHE, HURWITZ, CURTISS, KANDUCH,
7	TOWER, UNDERDAL, G. GUNDERSON, BARRETT, KROPP, RYAN, FAGG,
8	DAVIS. RAMIREZ. COURTNEY, MANUEL. SCULLY. AAGESON, VINGER,
9	UHDE, SEVERSON, ERNST, LIEN, CONROY, KEYSER, JENSEN, ELLIS,
10	LORY, JOHNSTON, W. BAETH, R. BAETH, PALMER, TROPILA, ELLERD
11	
12	A BILL FOR AN ACT ENTITLED: "AN-ACTTOAPPROPRIATEFUNDS
13	FORCAPITALPROJECTSAT-THE-SCHOOL-FOR-THE-DEAF-AND-BLIND
14	AND-MONTANA-STATE-UNIVERSITY-FROM-THE-EDUCATIONTRUSTFUND
15	ACCOUNT: REVOKING AN ACT ALLOWING FUNDS TO BE APPROPRIATED
16	FOR CAPITAL BUILDING PROJECTS FROM THE STATUTORY EDUCATION
17	IRUST FUND: REVISING THE STATUTORY DECLARATION OF TRUST
18	RELATIVE TO THAT ACCOUNT; AMENDING SECTION 50-1810, R.C.M.
19	1947. W
20	
21	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
22	Section 1. There is a new R.C.M. section that reads as
23	follows:
24	Purposes. The legislature finds that the policy

considerations which lead to reserving a portion of coal tax

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1	collections in a statutory trust fund for educational
2	purposes have since been more fully satisfied by the action
3	of the people in adding section 5 of Article IX of the
4	Montana constitution. Since no legislature can limit the
5	powers of a subsequent session of the same legislature, the
6	trust established by the 44th Montana legislature in section
7	11, Chapter 502, Laws of 1975, necessarily reserves a powe
8	of revocation to the legislature, and this 45th Montan
9	legislature hereby revokes <u>REVISES</u> that trust. The other
10	purpose-ofthisactistoappropriatethecoaltaxe
11	ellocated to the revoked trust fund for the next biennium t
12	theinstitutionsandtheMontanauniversity-system* IH
13	OTHER PURPOSE OF THIS ACT IS TO ALLOW THE LEGISLATURE TO
14	APPROPRIATE A PORTION OF THE CORPUS OF THE TRUST FOR CAPITAL
15	BUILDING PROJECTS OF PUBLIC SCHOOLS AND THE UNIVERSITY
16	SYSTEC.
17	Section 2. Section 50-1810, R.C.M. 1947, is amended to
18	read as follows:
19	#50-1810. Disposition of interest from unexpended
20	balance. The unexpended balance in the local impact and
21	education trust fund account shall be invested as provided
22	by statute by the state board of investments*Ten-percent
23	†10%}-of-the-income-from-such-investments-each-year-shall-be
24	added-to-the-principal-of-the-account-to-besegregatedone

held-in-trust. IEN PERCENT (10%) OF THE INCOME FROM SUCH

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HB 0823/02

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 $\underline{\hspace{-0.1cm}\underline{\hspace{-0.1cm}}}$ and university systems of the state.
5	Oftheremainingninetypercent-(90%)-of-the-income-from
6	such-investmentsy-three-fourths-(3/4)-shall-be-annually-paid
7	into-the-earmarked-revenue-fundy-for-state-equalizationatd
8	topublicschoolsofthe-state-and-one-fourth-(1/4)-each
9	year-shall-bepaidtotheboardofregentsofhigher
10	educationfor-use-by-the-institutions-of-higher-learning-in
11	the-state-of-Montana-subject-to-the-budgetingauthorityof
12	the legislatures 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 - 05 provided
20	insection50-1886(4)hereintheprincipal-of-the-local
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22	educationandforeverremain-inviolate-and-secred-to-this
23	purpose-os-provided-in-sections-3-and-10-of-thisArticleX
24	of-the-Hontans-constitution**
25	Section-3:There-is-a-new-ReCeMe-section-that-reads-as

2	AppropriationsThereisappropriated-\$2*448*888-fo
3	the-biennium-ending-dune-30y-1979y-from-the-moneys-allocate
4	to-the-pooled-investment-fund-under-58-1818-for-thesuppor
5	ofpublic-schoolsy-institutionsy-and-the-university-system
6	to-the-department-of-administration-for-a-physical-educatio
7	and-recreation-complex-at-the-Montana-schoolforthedec
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13	necessarytopurchasea-replacement-for-the-Xerox-5igma-
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15	allocatedtothepooled-investment-fund-under-50-1010-fo
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17	universitysystemyto-the-board-of-regents-for-the-purpos
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HB 823

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to-the-board-of-regents-for-the-purposes-of-constructing

HB 823

1	additional-greenhouse-and-farm-facilities-and-renovationof
2	thepresentgreenhousey-all-at-the-agricultural-experiment
3	station-near-Bozeman*
4	Section-6*There-is-a-new-R*G*M*-section-that-reads-as
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6	Priorities=Asmoneysbecomesvaitableforthe
7	appropriations-made-by-this-actv-they-shall-be-used-first-to
8	payabligationsincurredundersection3ythento-pay
9	obligations-incurred-undersectionivandthentopay
10	o bligations-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	ID ACCOUNT 06142 FOR THE LONG-RANGE BUILDING PROGRAM.

-End-

HR 0823/02

25

ì	HUUSC BILL NO. 623
2	INTRODUCED BY FABREGA, D'CONNELL, KENNY, COONEY, ROTH,
3	GILLIGAN, GOULD, HOORE, McLANE, HARRINGTON, MULAR, FEDA,
4	MEYER, PISTORIA, STAIGHILLER, O'KEEFE, VINCENT, SEIFERT,
5	HAND, QUILICI, ESTENSON, LYNCH, ELLISON, BURNETT, STOBIE,
6	WYRICK, LUND, WOOD, DAY, NATHE, HURWITZ, CURTISS, KANDUCH,
7	TOWER, UNDERDAL, J. GUNDERSON, PARRETT, KROPP, RYAN, FAGG,
8	DAVIS, RAMIREZ, COURTNEY, MANUEL, SCULLY, AAGESON, VINGER,
9	UHDE, SEVERSON, ERNST, LIEN, CONROY, KEYSER, JENSEN, ELLIS,
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.3	FOR- CAPITAL PROJECTS AT THE SCHOOL FOR THE DEAF AND BLING
4	AND HUNTANA-STATE-UNIVERSITY-FROM THE-EDUCATIONTRUSTFUND
.5	ACCOUNT: REVOKING AN ACT ALLOWING FUNDS TO BE APPROPRIATED
6	FOR CAPITAL BUILDING PROJECTS FROM THE STATUTORY EDUCATION
.7	TRUST FUND: REVISING THE STATUTORY DECLARATION OF TRUST
8	RELATIVE TO THAT ACCOUNT; AMENDING SECTION 50-1810. R.C.M.
9	1947.**
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21	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
22	Section 1. There is a new R.C.M. section that reads as
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23	purpose-as-provided-in-sections-3-and-10-of-thisArticleX
24	of-the-Montana-constitution."
25	Section-3*There-is-a-new-R*EwM*-section-that-reads-as

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HB 823

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1	additional-greenhouse and farm facilities and renovation of
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14	TO ACCOUNT 06142 FOR THE LONG-RANGE BUILDING PROGRAM.
	→End-

-5- HB 823

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"