

HOUSE BILL NO. 621

INTRODUCED BY QUILICI, VAN VALKENBURG, LORY,  
LYNCH, DONALDSON, HAFLEY

IN THE HOUSE

FEBRUARY 5, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON APPROPRIATIONS.

MARCH 10, 1987                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 11, 1987                   PRINTING REPORT.

MARCH 13, 1987                   SECOND READING, DO PASS AS AMENDED.

MARCH 14, 1987                   ENGROSSING REPORT.

MARCH 16, 1987                   THIRD READING, PASSED.  
AYES, 89; NOES, 4.

TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 17, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FINANCE & CLAIMS.

APRIL 3, 1987                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

APRIL 6, 1987                   SECOND READING, CONCURRED IN.

APRIL 7, 1987                   THIRD READING, CONCURRED IN.  
AYES, 47; NOES, 3.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 10, 1987                   RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 11, 1987

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

1 *House* BILL NO. *621*  
 2 INTRODUCED BY *Quilici* *Van Valkenburg Long Speech*  
 3 *Donaldson* *Haffey*

4 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING OIL  
 5 OVERCHARGE MONEY FOR PROGRAMS ADMINISTERED BY THE STATE OF  
 6 MONTANA; ESTABLISHING AN ENERGY CONSERVATION AND ENERGY  
 7 ASSISTANCE ACCOUNT; AMENDING SECTION 17-7-502, MCA; AND  
 8 PROVIDING AN EFFECTIVE DATE."  
 9

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

11 NEW SECTION. Section 1. Policy. As the result of  
 12 overcharges on the sales of domestic crude oil, the federal  
 13 courts have ordered or approved settlements requiring the  
 14 repayment of the total amount of overcharges, plus interest,  
 15 into an escrow account to be distributed by the U.S.  
 16 treasury to the states, territories, and possessions of the  
 17 United States. It is the policy of this state to use the oil  
 18 overcharge money distributed to the state to supplement  
 19 state and federal programs that the state administers in a  
 20 manner consistent with federal court orders establishing or  
 21 approving the payment of the funds to the state of Montana  
 22 and in accordance with the precedent established by the U.S.  
 23 congress in appropriating money to federal programs.

24 NEW SECTION. Section 2. Definitions. As used in [this  
 25 act], the following definitions apply:

1 (1) "Amoco payment" means the oil overcharge payment  
 2 made to the U.S. treasury for distribution to the state of  
 3 Montana pursuant to the administrative decision and order  
 4 entitled standard oil co. (Indiana)/Maryland, 13 DOE 85,  
 5 075 (1985).

6 (2) "Diamond shamrock payment" means the oil  
 7 overcharge payment made to the U.S. treasury for  
 8 distribution to the state of Montana pursuant to the order  
 9 of the U.S. district court for the southern district of Ohio  
 10 eastern division in Civil Action No. C2-84-14032.

11 (3) "Exxon payment" means the oil overcharge payment  
 12 made by the Exxon corporation to the U.S. treasury for  
 13 distribution to the state of Montana pursuant to the order  
 14 of the U.S. district court for the District of Columbia in  
 15 Civil Action No. 78-1035.

16 (4) "Stripper well payment" means the oil overcharge  
 17 payment made to the U.S. treasury for distribution to the  
 18 state of Montana as the result of the final settlement  
 19 agreement in the U.S. district court for the District of  
 20 Kansas, Cause No. M.D.L. 378.

21 NEW SECTION. Section 3. Account established -- use.  
 22 (1) There is created an energy conservation and energy  
 23 assistance account within the federal special revenue fund  
 24 established in 17-2-102.

25 (2) The amounts deposited in the account and interest



-2- INTRODUCED BILL  
 HB-621

1 and earnings on the account are statutorily appropriated as  
 2 provided in 17-7-502 to the department of social and  
 3 rehabilitation services to fund its low-income energy  
 4 assistance and home weatherization programs created in  
 5 90-4-201. However, the department may use the principal of  
 6 the account only if the federal grants for either of those  
 7 programs is reduced below the federal fiscal year 1987  
 8 level. The department may not use the principal to increase  
 9 expenditures to either program above the level of the  
 10 federal grant for that program for federal fiscal year 1987.

11 NEW SECTION. Section 4. Transfer of funds. (1) There  
 12 is transferred to the energy conservation and energy  
 13 assistance account \$4,660,958 from the Exxon payment  
 14 contained in the federal special revenue fund.

15 (2) There is transferred to the energy conservation  
 16 and energy assistance account \$1,089,042 from the stripper  
 17 well payment in the federal special revenue fund.

18 (3) The remaining balance of the appropriation in  
 19 House Bill No. 22 of the June 1986 special session is  
 20 transferred to the energy conservation and energy assistance  
 21 account.

22 NEW SECTION. Section 5. Transloading facility. (1)  
 23 The department of commerce is authorized to issue to a local  
 24 government a grant for construction of a demonstration  
 25 truck/train transloading facility. The department shall

1 solicit proposals and shall award the grant primarily on the  
 2 basis of simple payback in energy savings. The department  
 3 shall also consider impact on freight rates, job creation,  
 4 and access to new markets for Montana producers and  
 5 shippers.

6 (2) The department of natural resources and  
 7 conservation is authorized to administratively transfer  
 8 funds to the department of commerce for a demonstration  
 9 truck/train transloading facility as provided in subsection  
 10 (1).

11 NEW SECTION. Section 6. Energy conservation in  
 12 agriculture. (1) The department of natural resources and  
 13 conservation is authorized to make grants under its state  
 14 energy conservation program, approved pursuant to 10 CFR  
 15 420.5, to conservation districts for projects that promote  
 16 energy conservation in agriculture.

17 (2) The department of natural resources and  
 18 conservation shall give public notice of opportunity for  
 19 grants and the criteria to be used for the award of grants.  
 20 The criteria must include but are not limited to energy  
 21 savings and consistency with sound water and soil  
 22 conservation practices.

23 NEW SECTION. Section 7. State-owned building  
 24 retrofitting. (1) The department of natural resources and  
 25 conservation is authorized, in consultation with the

1 department of administration, to train employees in the  
 2 operation and maintenance of energy saving equipment and in  
 3 the implementation of energy conserving practices and to  
 4 make grants to state agencies for energy efficiency analysis  
 5 of state-owned buildings. The department of natural  
 6 resources and conservation may also make loans to state  
 7 agencies for retrofitting state-owned buildings.

8 (2) The department of natural resources and  
 9 conservation shall consider simple payback, type of energy  
 10 saved, results of similar projects, expected life of the  
 11 retrofit, and use of the retrofit as a model for other  
 12 buildings in making grants and loans under subsection (1).

13 NEW SECTION. Section 8. Appropriations. (1) There is  
 14 appropriated from the Exxon payment contained in the federal  
 15 special revenue account to the department of natural  
 16 resources and conservation \$2,100,000 for use in the state  
 17 energy conservation program, approved pursuant to 10 CFR  
 18 420.5, for a grant for a transloading facility pursuant to  
 19 [section 5].

20 (2) There is appropriated \$305,439 from the Exxon  
 21 payment and \$338,000 from the stripper well payment  
 22 contained in the federal special revenue account to the  
 23 department of natural resources and conservation for use in  
 24 the state energy conservation program, approved pursuant to  
 25 10 CFR 420.5, to encourage cost-effective energy

1 conservation practices by small energy consumers, to reduce  
 2 the rate of growth of energy demand, and to analyze energy  
 3 conservation practices and issues.

4 (3) There is appropriated \$500,000 from the Exxon  
 5 payment contained in the federal special revenue fund to the  
 6 department of natural resources and conservation for  
 7 implementation of [section 6].

8 (4) There is appropriated \$2,000,000 from the stripper  
 9 well payment contained in the federal special revenue fund  
 10 to the department of natural resources and conservation for  
 11 implementation of [section 7].

12 (5) There is appropriated \$1,089,042 from the Exxon  
 13 payment contained in the federal special revenue fund to the  
 14 department of natural resources and conservation for use in  
 15 the institutional conservation program for schools and  
 16 hospitals administered by the department pursuant to 10 CFR  
 17 455.

18 (6) There is appropriated \$235,000 from the Exxon  
 19 payment contained in the federal special revenue fund to the  
 20 department of natural resources and conservation to award a  
 21 grant to a public or private entity to provide technical  
 22 assistance to local government entities for the purpose of  
 23 identifying energy conservation measures. The grant must be  
 24 approved pursuant to 10 CFR 465.8.

25 (7) There is appropriated \$234,916 from the diamond

1 shamrock payment contained in the federal special revenue  
2 fund to the department of natural resources and conservation  
3 to administer the programs authorized by [this act].

4 (8) There is appropriated \$87,000 from the stripper  
5 well payment and \$124,000 from the amoco payment contained  
6 in the federal special revenue fund to the department of  
7 highways to replace energy inefficient mercury highway  
8 lights east of the continental divide with energy efficient  
9 low-pressure sodium vapor lights.

10 (9) Interest earned on money transferred or  
11 appropriated in [this act] must be deposited in the account  
12 from which it was earned. This money is appropriated to the  
13 same program for which the principal was appropriated.

14 (10) The appropriations made in this section are  
15 biennial appropriations.

16 NEW SECTION. Section 9. Proration. If overcharge  
17 money and interest are insufficient to meet any amount  
18 transferred or appropriated in [this act], the amount  
19 transferred or appropriated for each fund is reduced by the  
20 same proportion as the amount of the deficiency bears to the  
21 total amount transferred or appropriated in [this act] from  
22 that fund.

23 Section 10. Section 17-7-502, MCA, is amended to read:

24 "17-7-502. Statutory appropriations -- definition --  
25 requisites for validity. (1) A statutory appropriation is an

1 appropriation made by permanent law that authorizes spending  
2 by a state agency without the need for a biennial  
3 legislative appropriation or budget amendment.

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

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

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

12 (3) The following laws are the only laws containing  
13 statutory appropriations:

- 14 (a) 2-9-202;  
15 (b) 2-17-105;  
16 (c) 2-18-812;  
17 (d) 10-3-203;  
18 (e) 10-3-312;  
19 (f) 10-3-314;  
20 (g) 10-4-301;  
21 (h) 13-37-304;  
22 (i) 15-31-702;  
23 (j) 15-36-112;  
24 (k) 15-70-101;  
25 (l) 16-1-404;

1 (m) 16-1-410;  
 2 (n) 16-1-411;  
 3 (o) 17-3-212;  
 4 (p) 17-5-404;  
 5 (q) 17-5-424;  
 6 (r) 17-5-804;  
 7 (s) 19-8-504;  
 8 (t) 19-9-702;  
 9 (u) 19-9-1007;  
 10 (v) 19-10-205;  
 11 (w) 19-10-305;  
 12 (x) 19-10-506;  
 13 (y) 19-11-512;  
 14 (z) 19-11-513;  
 15 (aa) 19-11-606;  
 16 (bb) 19-12-301;  
 17 (cc) 19-13-604;  
 18 (dd) 20-6-406;  
 19 (ee) 20-8-111;  
 20 (ff) 23-5-612;  
 21 (gg) 37-51-501;  
 22 (hh) 53-24-206;  
 23 (ii) 75-1-1101;  
 24 (jj) 75-7-305;  
 25 (kk) 80-2-103;

1 (ll) 80-2-228;  
 2 (mm) 90-3-301;  
 3 (nn) 90-3-302;  
 4 (oo) 90-15-103; and  
 5 (pp) Sec. 13, HB 861, L. 1985; and  
 6 (qq) [section 3].

7 (4) There is a statutory appropriation to pay the  
 8 principal, interest, premiums, and costs of issuing, paying,  
 9 and securing all bonds, notes, or other obligations, as due,  
 10 that have been authorized and issued pursuant to the laws of  
 11 Montana. Agencies that have entered into agreements  
 12 authorized by the laws of Montana to pay the state  
 13 treasurer, for deposit in accordance with 17-2-101 through  
 14 17-2-107, as determined by the state treasurer, an amount  
 15 sufficient to pay the principal and interest as due on the  
 16 bonds or notes have statutory appropriation authority for  
 17 such payments."

18 NEW SECTION. Section 11. Effective date. This act is  
 19 effective July 1, 1987.

-End-

APPROVED BY COMMITTEE  
ON APPROPRIATIONS

1 HOUSE BILL NO. 621  
 2 INTRODUCED BY QUILICI, VAN VALKENBURG, LORY,  
 3 LYNCH, DONALDSON, HAFPEY  
 4  
 5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING OIL  
 6 OVERCHARGE MONEY FOR PROGRAMS ADMINISTERED BY THE STATE OF  
 7 MONTANA; ESTABLISHING AN ENERGY CONSERVATION AND ENERGY  
 8 ASSISTANCE ACCOUNT; AMENDING SECTION 17-7-502, MCA; AND  
 9 PROVIDING AN-EPPECTIVE-DATE EFFECTIVE DATES."  
 10  
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 12 NEW SECTION. Section 1. Policy. As the result of  
 13 overcharges on the sales of domestic crude oil, the federal  
 14 courts have ordered or approved settlements requiring the  
 15 repayment of the total amount of overcharges, plus interest,  
 16 into an escrow account to be distributed by the U.S.  
 17 treasury to the states, territories, and possessions of the  
 18 United States. It is the policy of this state to use the oil  
 19 overcharge money distributed to the state to supplement  
 20 state and federal programs that the state administers in a  
 21 manner consistent with federal court orders establishing or  
 22 approving the payment of the funds to the state of Montana  
 23 and in accordance with the precedent established by the U.S.  
 24 congress in appropriating money to federal programs.  
 25 NEW SECTION. Section 2. Definitions. As used in [this

1 act], the following definitions apply:  
 2 (1) "Amoco payment" means the oil overcharge payment  
 3 made to the U.S. treasury for distribution to the state of  
 4 Montana pursuant to the administrative decision and order  
 5 entitled standard oil co. (Indiana)/Maryland, 13 DOE 85,  
 6 075 (1985).  
 7 (2) "Diamond shamrock payment" means the oil  
 8 overcharge payment made to the U.S. treasury for  
 9 distribution to the state of Montana pursuant to the order  
 10 of the U.S. district court for the southern district of Ohio  
 11 eastern division in Civil Action No. C2-84-14032.  
 12 (3) "Exxon payment" means the oil overcharge payment  
 13 made by the Exxon corporation to the U.S. treasury for  
 14 distribution to the state of Montana pursuant to the order  
 15 of the U.S. district court for the District of Columbia in  
 16 Civil Action No. 78-1035.  
 17 (4) "Stripper well payment" means the oil overcharge  
 18 payment made to the U.S. treasury for distribution to the  
 19 state of Montana as the result of the final settlement  
 20 agreement in the U.S. district court for the District of  
 21 Kansas, Cause No. M.D.L. 378.  
 22 NEW SECTION. Section 3. Account established -- use.  
 23 (1) There is created an energy conservation and energy  
 24 assistance account within the federal special revenue fund  
 25 established in 17-2-102.





(2) The amounts deposited in the account and interest and earnings on the account are statutorily appropriated as provided in 17-7-502 to the department of social and rehabilitation services to fund its low-income energy assistance and home weatherization programs created in 90-4-201. However, the department may use the principal of the account only if the federal grants for either of those programs is reduced below the federal fiscal year 1987 level. The department may not use the principal to increase expenditures to either program above the level of the federal grant for that program for federal fiscal year 1987.

NEW SECTION. Section 4. Transfer of funds. (1) There is transferred to the energy conservation and energy assistance account \$4,660,958 \$1,550,000 from the Exxon payment contained in the federal special revenue fund.

(2) There is transferred to the energy conservation and energy assistance account \$1,089,042 \$950,000 from the stripper well payment in the federal special revenue fund.

(3) The remaining balance of the appropriation in House Bill No. 22 of the June 1986 special session is transferred to the energy conservation and energy assistance account.

(4) THERE IS TRANSFERRED TO THE EXXON WEATHERIZATION ACCOUNT \$3,200,000 FROM THE EXXON PAYMENT CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND. THESE FUNDS ARE APPROPRIATED

TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR USE IN THE HOME WEATHERIZATION PROGRAM CREATED IN 90-4-201.

(5) THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SHALL ENCOURAGE HUMAN RESOURCE DEVELOPMENT COUNCILS AND OTHER PUBLIC OR NONPROFIT ENTITIES THAT RECEIVE WEATHERIZATION FUNDS TO HIRE INDIVIDUALS WHO ARE ELIGIBLE FOR GENERAL RELIEF UNDER TITLE 53, CHAPTER 3, TO WORK IN HOME WEATHERIZATION PROJECTS, TO THE MAXIMUM EXTENT POSSIBLE.

NEW SECTION. Section 5. Transloading facility. (1) The department of commerce is authorized to issue to a local government a grant for construction of a demonstration truck/train transloading facility. The department shall solicit ~~proposals~~ AND ACCEPT PROPOSALS FOR NO LESS THAN 2 MONTHS FOLLOWING THE ISSUANCE OF REQUESTS FOR PROPOSALS and shall award the grant primarily on the basis of simple payback in energy savings. The department shall also consider impact on freight rates, job creation, GEOGRAPHIC PROXIMITY TO RAW MATERIALS, and access to new markets for Montana producers and shippers.

(2) The department of natural resources and conservation is authorized to administratively transfer funds to the department of commerce for a demonstration truck/train transloading facility as provided in subsection (1).

1        NEW SECTION. Section 6. Energy conservation in  
 2 agriculture. (1) The department of natural resources and  
 3 conservation is authorized to make grants under its state  
 4 energy conservation program, approved pursuant to 10 CFR  
 5 420.5, to conservation districts for projects that promote  
 6 energy conservation in agriculture.

7        (2) The department of natural resources and  
 8 conservation shall give public notice of opportunity for  
 9 grants and the criteria to be used for the award of grants.  
 10 The criteria must include but are not limited to energy  
 11 savings and consistency with sound water and soil  
 12 conservation practices.

13        NEW SECTION. Section 7. State-owned building  
 14 retrofitting. (1) The department of natural resources and  
 15 conservation is authorized, in consultation with the  
 16 department of administration, to train employees in the  
 17 operation and maintenance of energy saving equipment and in  
 18 the implementation of energy conserving practices and to  
 19 make grants to state agencies for energy efficiency analysis  
 20 of state-owned buildings. The department of natural  
 21 resources and conservation may also make loans to state  
 22 agencies for retrofitting state-owned buildings.

23        (2) The department of natural resources and  
 24 conservation shall consider simple payback, type of energy  
 25 saved, results of similar projects, expected life of the

1 retrofit, and use of the retrofit as a model for other  
 2 buildings in making grants and loans under subsection (1).

3        NEW SECTION. SECTION 8. BIOLOGICAL AGENTS FOR WEED  
 4 CONTROL. (1) THE DEPARTMENT OF AGRICULTURE IS AUTHORIZED TO  
 5 EXPEND FUNDS FOR THE COLLECTION AND DISTRIBUTION OF  
 6 BIOLOGICAL AGENTS TO CONTROL LEAFY SPURGE AND SPOTTED  
 7 KNAPWEED. THE PROJECT WILL REDUCE ENERGY CONSUMPTION BY  
 8 REDUCING THE NEED FOR REPEATED CHEMICAL APPLICATION.

9        (2) THE DEPARTMENT OF NATURAL RESOURCES AND  
 10 CONSERVATION IS AUTHORIZED TO ADMINISTRATIVELY TRANSFER  
 11 FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR THE PROJECT  
 12 DESCRIBED IN SUBSECTION (1).

13        NEW SECTION. Section 9. Appropriations. (1) There is  
 14 appropriated from the Exxon payment contained in the federal  
 15 special revenue account to the department of natural  
 16 resources and conservation \$2,100,000 for use in the state  
 17 energy conservation program, approved pursuant to 10 CFR  
 18 420.5, for a grant for a transloading facility pursuant to  
 19 [section 5].

20        (2) There is appropriated \$305,439 from the Exxon  
 21 payment and \$338,000 from the stripper well payment  
 22 contained in the federal special revenue account to the  
 23 department of natural resources and conservation for use in  
 24 the state energy conservation program, approved pursuant to  
 25 10 CFR 420.5, to encourage cost-effective energy

1 conservation practices by small energy consumers, to reduce  
2 the rate of growth of energy demand, and to analyze energy  
3 conservation practices and issues.

4 (3) There is appropriated \$500,000 from the Exxon  
5 payment contained in the federal special revenue fund to the  
6 department of natural resources and conservation for  
7 implementation of [section 6].

8 (4) There is appropriated \$2,000,000 from the stripper  
9 well payment contained in the federal special revenue fund  
10 to the department of natural resources and conservation for  
11 implementation of [section 7].

12 (5) There is appropriated ~~\$1,000,000~~ \$1,000,000 from  
13 the Exxon payment contained in the federal special revenue  
14 fund to the department of natural resources and conservation  
15 for use in the institutional conservation program for  
16 schools and hospitals administered by the department  
17 pursuant to 10 CFR 455.

18 (6) There is appropriated \$235,000 from the Exxon  
19 payment contained in the federal special revenue fund to the  
20 department of natural resources and conservation to award a  
21 grant to a public or private entity to provide technical  
22 assistance to local government entities for the purpose of  
23 identifying energy conservation measures. The grant must be  
24 approved pursuant to 10 CFR 465.8.

25 (7) There is appropriated \$234,916 from the diamond

1 shamrock payment contained in the federal special revenue  
2 fund to the department of natural resources and conservation  
3 to administer the programs authorized by [this act].

4 (8) There is appropriated \$87,000 from the stripper  
5 well payment and \$124,000 from the amoco payment contained  
6 in the federal special revenue fund to the department of  
7 highways to replace energy inefficient mercury highway  
8 lights east of the continental divide with energy efficient  
9 low-pressure sodium vapor lights.

10 (9) THERE IS APPROPRIATED FROM THE STRIPPER WELL  
11 PAYMENT CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND TO THE  
12 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION \$139,042  
13 FOR COLLECTION AND DISTRIBUTION OF BIOLOGICAL AGENTS TO  
14 CONTROL LEAFY SPURGE AND SPOTTED KNAPWEED.

15 ~~(9)~~(10) Interest earned on money transferred or  
16 appropriated in [this act] must be deposited in the account  
17 from which it was earned. This money is appropriated to the  
18 same program for which the principal was appropriated.

19 ~~(10)~~(11) The appropriations made in this section are  
20 biennial appropriations.

21 NEW SECTION. Section 10. Proration. If overcharge  
22 money and interest are insufficient to meet any amount  
23 transferred or appropriated in [this act], the amount  
24 transferred or appropriated for each fund is reduced by the  
25 same proportion as the amount of the deficiency bears to the

1 total amount transferred or appropriated in [this act] from  
2 that fund.

3 Section 11. Section 17-7-502, MCA, is amended to read:  
4 "17-7-502. Statutory appropriations -- definition --  
5 requisites for validity. (1) A statutory appropriation is an  
6 appropriation made by permanent law that authorizes spending  
7 by a state agency without the need for a biennial  
8 legislative appropriation or budget amendment.

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

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

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

17 (3) The following laws are the only laws containing  
18 statutory appropriations:

- 19 (a) 2-9-202;
- 20 (b) 2-17-105;
- 21 (c) 2-18-812;
- 22 (d) 10-3-203;
- 23 (e) 10-3-312;
- 24 (f) 10-3-314;
- 25 (g) 10-4-301;

- 1 (h) 13-37-304;
- 2 (i) 15-31-702;
- 3 (j) 15-36-112;
- 4 (k) 15-70-101;
- 5 (l) 16-1-404;
- 6 (m) 16-1-410;
- 7 (n) 16-1-411;
- 8 (o) 17-3-212;
- 9 (p) 17-5-404;
- 10 (q) 17-5-424;
- 11 (r) 17-5-804;
- 12 (s) 19-8-504;
- 13 (t) 19-9-702;
- 14 (u) 19-9-1007;
- 15 (v) 19-10-205;
- 16 (w) 19-10-305;
- 17 (x) 19-10-506;
- 18 (y) 19-11-512;
- 19 (z) 19-11-513;
- 20 (aa) 19-11-606;
- 21 (bb) 19-12-301;
- 22 (cc) 19-13-604;
- 23 (dd) 20-6-406;
- 24 (ee) 20-8-111;
- 25 (ff) 23-5-612;

1 (gg) 37-51-501;  
2 (hh) 53-24-206;  
3 (ii) 75-1-1101;  
4 (jj) 75-7-305;  
5 (kk) 80-2-103;  
6 (ll) 80-2-228;  
7 (mm) 90-3-301;  
8 (nn) 90-3-302;  
9 (oo) 90-15-103; and  
10 (pp) Sec. 13, HB 861, L. 1985-; and  
11 (qq) [section 3].

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

23 NEW SECTION. Section 12. Effective date DATES. This  
24 act is effective July 1, 1987, EXCEPT THAT SECTION 5 AND  
25 THIS SECTION ARE EFFECTIVE UPON PASSAGE AND APPROVAL.

-End-

## 1 HOUSE BILL NO. 621

2 INTRODUCED BY QUILICI, VAN VALKENBURG, LORY,

3 LYNCH, DONALDSON, HAFNEY

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING OIL  
6 OVERCHARGE MONEY FOR PROGRAMS ADMINISTERED BY THE STATE OF  
7 MONTANA; ESTABLISHING AN ENERGY CONSERVATION AND ENERGY  
8 ASSISTANCE ACCOUNT; AMENDING SECTION 17-7-502, MCA; AND  
9 PROVIDING AN-~~BPPECTIVE-DATE~~ EFFECTIVE DATES."

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

12 NEW SECTION. Section 1. Policy. As the result of  
13 overcharges on the sales of domestic crude oil, the federal  
14 courts have ordered or approved settlements requiring the  
15 repayment of the total amount of overcharges, plus interest,  
16 into an escrow account to be distributed by the U.S.  
17 treasury to the states, territories, and possessions of the  
18 United States. It is the policy of this state to use the oil  
19 overcharge money distributed to the state to supplement  
20 state and federal programs that the state administers in a  
21 manner consistent with federal court orders establishing or  
22 approving the payment of the funds to the state of Montana  
23 and in accordance with the precedent established by the U.S.  
24 congress in appropriating money to federal programs.

25 NEW SECTION. Section 2. Definitions. As used in [this

1 act], the following definitions apply:

2 (1) "Amoco payment" means the oil overcharge payment  
3 made to the U.S. treasury for distribution to the state of  
4 Montana pursuant to the administrative decision and order  
5 entitled standard oil co. (Indiana)/Maryland, 13 DOE 85,  
6 075 (1985).

7 (2) "Diamond shamrock payment" means the oil  
8 overcharge payment made to the U.S. treasury for  
9 distribution to the state of Montana pursuant to the order  
10 of the U.S. district court for the southern district of Ohio  
11 eastern division in Civil Action No. C2-84-14032.

12 (3) "Exxon payment" means the oil overcharge payment  
13 made by the Exxon corporation to the U.S. treasury for  
14 distribution to the state of Montana pursuant to the order  
15 of the U.S. district court for the District of Columbia in  
16 Civil Action No. 78-1035.

17 (4) "Stripper well payment" means the oil overcharge  
18 payment made to the U.S. treasury for distribution to the  
19 state of Montana as the result of the final settlement  
20 agreement in the U.S. district court for the District of  
21 Kansas, Cause No. M.D.L. 378.

22 NEW SECTION. Section 3. Account established -- use.

23 (1) There is created an energy conservation and energy  
24 assistance account within the federal special revenue fund  
25 established in 17-2-102.

1 (2) The amounts deposited in the account and interest  
 2 and earnings on the account are statutorily appropriated as  
 3 provided in 17-7-502 to the department of social and  
 4 rehabilitation services to fund its low-income energy  
 5 assistance and home weatherization programs created in  
 6 90-4-201. However, the department may use the principal of  
 7 the account only if the federal grants for either of those  
 8 programs is reduced below the federal fiscal year 1987  
 9 level. The department may not use the principal to increase  
 10 expenditures to either program above the level of the  
 11 federal grant for that program for federal fiscal year 1987.

12 NEW SECTION. Section 4. Transfer of funds. (1) There  
 13 is transferred to the energy conservation and energy  
 14 assistance account ~~\$4,766,958~~ \$1,550,000 from the Exxon  
 15 payment contained in the federal special revenue fund.

16 (2) There is transferred to the energy conservation  
 17 and energy assistance account ~~\$1,789,842~~ \$950,000 from the  
 18 stripper well payment in the federal special revenue fund.

19 (3) The remaining balance of the appropriation in  
 20 House Bill No. 22 of the June 1986 special session is  
 21 transferred to the energy conservation and energy assistance  
 22 account.

23 (4) THERE IS TRANSFERRED TO THE EXXON WEATHERIZATION  
 24 ACCOUNT \$3,200,000 FROM THE EXXON PAYMENT CONTAINED IN THE  
 25 FEDERAL SPECIAL REVENUE FUND. THESE FUNDS ARE APPROPRIATED

1 TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR  
 2 USE IN THE HOME WEATHERIZATION PROGRAM CREATED IN 90-4-201.

3 (5) (A) THERE IS APPROPRIATED TO THE DEPARTMENT OF  
 4 SOCIAL AND REHABILITATION SERVICES \$100,000 FROM THE  
 5 STRIPPER WELL PAYMENT CONTAINED IN THE FEDERAL SPECIAL  
 6 REVENUE ACCOUNT FOR EACH YEAR IN THE BIENNIUM ENDING JUNE  
 7 30, 1989, FOR THE PURPOSE DESCRIBED IN SUBSECTION (5)(B).

8 (B) MATCHING FUNDS FOR LOW-INCOME ENERGY ASSISTANCE.  
 9 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SHALL  
 10 MATCH PRIVATE CONTRIBUTIONS TO ENERGY SHARE, INC., TO BE  
 11 USED TO ASSIST PERSONS NOT ELIGIBLE FOR FEDERAL LOW-INCOME  
 12 ENERGY ASSISTANCE WHOSE INCOME IS LESS THAN 150% OF THE  
 13 FEDERAL POVERTY THRESHOLD PUBLISHED BY THE U.S. BUREAU OF  
 14 THE CENSUS IN THE MOST RECENT EDITION OF ITS PUBLICATION,  
 15 CHARACTERISTICS OF THE POPULATION BELOW THE POVERTY LEVEL  
 16 (CURRENT POPULATION REPORTS, SERIES P-60). ALL OF THE FUNDS  
 17 APPROPRIATED TO THE DEPARTMENT FOR THIS PURPOSE UNDER  
 18 SUBSECTION (5)(A) MUST BE USED FOR CLIENTS' FUEL BILLS OR  
 19 OTHER ENERGY NEEDS.

20 ~~(5)~~(6) THE DEPARTMENT OF SOCIAL AND REHABILITATION  
 21 SERVICES SHALL ENCOURAGE HUMAN RESOURCE DEVELOPMENT COUNCILS  
 22 AND OTHER PUBLIC OR NONPROFIT ENTITIES THAT RECEIVE  
 23 WEATHERIZATION FUNDS TO HIRE INDIVIDUALS WHO ARE ELIGIBLE  
 24 FOR GENERAL RELIEF UNDER TITLE 53, CHAPTER 3, TO WORK IN  
 25 HOME WEATHERIZATION PROJECTS, TO THE MAXIMUM EXTENT

1 POSSIBLE.

2 NEW SECTION. Section 5. Transloading facility. (1)

3 The department of commerce is authorized to issue to a local

4 government a grant for construction of a demonstration

5 truck/train transloading facility. The department shall

6 solicit proposals AND ACCEPT PROPOSALS FOR NO LESS THAN 2

7 MONTHS FOLLOWING THE ISSUANCE OF REQUESTS FOR PROPOSALS and

8 shall award the grant primarily on the basis of simple

9 payback in energy savings. The department shall also

10 consider impact on freight rates, job creation, GEOGRAPHIC

11 PROXIMITY TO RAW MATERIALS, and access to new markets for

12 Montana producers and shippers.

13 (2) The department of natural resources and

14 conservation is authorized to administratively transfer

15 funds to the department of commerce for a demonstration

16 truck/train transloading facility as provided in subsection

17 (1).

18 NEW SECTION. Section 6. Energy conservation in

19 agriculture. (1) The department of natural resources and

20 conservation is authorized to make grants under its state

21 energy conservation program, approved pursuant to 10 CFR

22 420.5, to conservation districts for projects that promote

23 energy conservation in agriculture.

24 (2) The department of natural resources and

25 conservation shall give public notice of opportunity for

1 grants and the criteria to be used for the award of grants.

2 The criteria must include but are not limited to energy

3 savings and consistency with sound water and soil

4 conservation practices.

5 NEW SECTION. Section 7. State-owned building

6 retrofitting. (1) The department of natural resources and

7 conservation is authorized, in consultation with the

8 department of administration, to train employees in the

9 operation and maintenance of energy saving equipment and in

10 the implementation of energy conserving practices and to

11 make grants to state agencies for energy efficiency analysis

12 of state-owned buildings. The department of natural

13 resources and conservation may also make loans to state

14 agencies for retrofitting state-owned buildings.

15 (2) The department of natural resources and

16 conservation shall consider simple payback, type of energy

17 saved, results of similar projects, expected life of the

18 retrofit, and use of the retrofit as a model for other

19 buildings in making grants and loans under subsection (1).

20 NEW SECTION. SECTION 8. BIOLOGICAL AGENTS FOR WEED

21 CONTROL. (1) THE DEPARTMENT OF AGRICULTURE IS AUTHORIZED TO

22 EXPEND FUNDS FOR THE COLLECTION AND DISTRIBUTION OF

23 BIOLOGICAL AGENTS TO CONTROL LEAFY SPURGE AND SPOTTED

24 KNAPWEED. THE PROJECT WILL REDUCE ENERGY CONSUMPTION BY

25 REDUCING THE NEED FOR REPEATED CHEMICAL APPLICATION.



1       (2) THE DEPARTMENT OF NATURAL RESOURCES AND  
 2       CONSERVATION IS AUTHORIZED TO ADMINISTRATIVELY TRANSFER  
 3       FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR THE PROJECT  
 4       DESCRIBED IN SUBSECTION (1).

5       NEW SECTION. Section 9. Appropriations. (1) There is  
 6 appropriated from the Exxon payment contained in the federal  
 7 special revenue account to the department of natural  
 8 resources and conservation \$2,100,000 for use in the state  
 9 energy conservation program, approved pursuant to 10 CFR  
 10 420.5, for a grant for a transloading facility pursuant to  
 11 [section 5].

12       (2) There is appropriated \$305,439 from the Exxon  
 13 payment and \$338,000 from the stripper well payment  
 14 contained in the federal special revenue account to the  
 15 department of natural resources and conservation for use in  
 16 the state energy conservation program, approved pursuant to  
 17 10 CFR 420.5, to encourage cost-effective energy  
 18 conservation practices by small energy consumers, to reduce  
 19 the rate of growth of energy demand, and to analyze energy  
 20 conservation practices and issues.

21       (3) There is appropriated \$500,000 from the Exxon  
 22 payment contained in the federal special revenue fund to the  
 23 department of natural resources and conservation for  
 24 implementation of [section 6].

25       (4) There is appropriated ~~\$2,000,000~~ \$1,900,000 from

1 the stripper well payment contained in the federal special  
 2 revenue fund to the department of natural resources and  
 3 conservation for implementation of [section 7].

4       (5) There is appropriated ~~\$1,000,000~~ \$1,000,000  
 5 \$900,000 from the Exxon payment contained in the federal  
 6 special revenue fund to the department of natural resources  
 7 and conservation for use in the institutional conservation  
 8 program for schools and hospitals administered by the  
 9 department pursuant to 10 CFR 455.

10       (6) There is appropriated \$235,000 from the Exxon  
 11 payment contained in the federal special revenue fund to the  
 12 department of natural resources and conservation to award a  
 13 grant to a public or private entity to provide technical  
 14 assistance to local government entities for the purpose of  
 15 identifying energy conservation measures. The grant must be  
 16 approved pursuant to 10 CFR 465.8.

17       (7) There is appropriated \$234,916 from the diamond  
 18 shamrock payment contained in the federal special revenue  
 19 fund to the department of natural resources and conservation  
 20 to administer the programs authorized by [this act].

21       (8) There is appropriated \$87,000 from the stripper  
 22 well payment and \$124,000 from the amoco payment contained  
 23 in the federal special revenue fund to the department of  
 24 highways to replace energy inefficient mercury highway  
 25 lights east of the continental divide with energy efficient

1 low-pressure sodium vapor lights.

2 (9) THERE IS APPROPRIATED FROM THE STRIPPER WELL  
 3 PAYMENT CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND TO THE  
 4 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION \$139,042  
 5 FOR COLLECTION AND DISTRIBUTION OF BIOLOGICAL AGENTS TO  
 6 CONTROL LEAFY SPURGE AND SPOTTED KNAPWEED.

7 ~~(9)~~(10) Interest earned on money transferred or  
 8 appropriated in [this act] must be deposited in the account  
 9 from which it was earned. This money is appropriated to the  
 10 same program for which the principal was appropriated.

11 ~~(10)~~(11) The appropriations made in this section are  
 12 biennial appropriations.

13 NEW SECTION. Section 10. Proration. If overcharge  
 14 money and interest are insufficient to meet any amount  
 15 transferred or appropriated in [this act], the amount  
 16 transferred or appropriated for each fund is reduced by the  
 17 same proportion as the amount of the deficiency bears to the  
 18 total amount transferred or appropriated in [this act] from  
 19 that fund.

20 Section 11. Section 17-7-502, MCA, is amended to read:

21 "17-7-502. Statutory appropriations -- definition --  
 22 requisites for validity. (1) A statutory appropriation is an  
 23 appropriation made by permanent law that authorizes spending  
 24 by a state agency without the need for a biennial  
 25 legislative appropriation or budget amendment.

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

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

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

9 (3) The following laws are the only laws containing  
 10 statutory appropriations:

- 11 (a) 2-9-202;
- 12 (b) 2-17-105;
- 13 (c) 2-18-812;
- 14 (d) 10-3-203;
- 15 (e) 10-3-312;
- 16 (f) 10-3-314;
- 17 (g) 10-4-301;
- 18 (h) 13-37-304;
- 19 (i) 15-31-702;
- 20 (j) 15-36-112;
- 21 (k) 15-70-101;
- 22 (l) 16-1-404;
- 23 (m) 16-1-410;
- 24 (n) 16-1-411;
- 25 (o) 17-3-212;

1 (p) 17-5-404;  
 2 (q) 17-5-424;  
 3 (r) 17-5-804;  
 4 (s) 19-8-504;  
 5 (t) 19-9-702;  
 6 (u) 19-9-1007;  
 7 (v) 19-10-205;  
 8 (w) 19-10-305;  
 9 (x) 19-10-506;  
 10 (y) 19-11-512;  
 11 (z) 19-11-513;  
 12 (aa) 19-11-606;  
 13 (bb) 19-12-301;  
 14 (cc) 19-13-604;  
 15 (dd) 20-6-406;  
 16 (ee) 20-8-111;  
 17 (ff) 23-5-612;  
 18 (gg) 37-51-501;  
 19 (hh) 53-24-206;  
 20 (ii) 75-1-1101;  
 21 (jj) 75-7-305;  
 22 (kk) 80-2-103;  
 23 (ll) 80-2-228;  
 24 (mm) 90-3-301;  
 25 (nn) 90-3-302;

1 (oo) 90-15-103; and  
 2 (pp) Sec. 13, HB 861, L. 1985; and  
 3 (qq) [section 3].  
 4 (4) There is a statutory appropriation to pay the  
 5 principal, interest, premiums, and costs of issuing, paying,  
 6 and securing all bonds, notes, or other obligations, as due,  
 7 that have been authorized and issued pursuant to the laws of  
 8 Montana. Agencies that have entered into agreements  
 9 authorized by the laws of Montana to pay the state  
 10 treasurer, for deposit in accordance with 17-2-101 through  
 11 17-2-107, as determined by the state treasurer, an amount  
 12 sufficient to pay the principal and interest as due on the  
 13 bonds or notes have statutory appropriation authority for  
 14 such payments."  
 15 NEW SECTION. Section 12. Effective date DATES. This  
 16 act is effective July 1, 1987, EXCEPT THAT SECTION 5 AND  
 17 THIS SECTION ARE EFFECTIVE UPON PASSAGE AND APPROVAL.

-End-

## 1 HOUSE BILL NO. 621

2 INTRODUCED BY QUILICI, VAN VALKENBURG, LORY,  
3 LYNCH, DONALDSON, HAFPEY

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING OIL  
6 OVERCHARGE MONEY FOR PROGRAMS ADMINISTERED BY THE STATE OF  
7 MONTANA; ESTABLISHING AN ENERGY CONSERVATION AND ENERGY  
8 ASSISTANCE ACCOUNT; AMENDING SECTION 17-7-502, MCA; AND  
9 PROVIDING AN-~~EFFECTIVE-DATE~~ EFFECTIVE DATES."

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

12 NEW SECTION. Section 1. Policy. As the result of  
13 overcharges on the sales of domestic crude oil, the federal  
14 courts have ordered or approved settlements requiring the  
15 repayment of the total amount of overcharges, plus interest,  
16 into an escrow account to be distributed by the U.S.  
17 treasury to the states, territories, and possessions of the  
18 United States. It is the policy of this state to use the oil  
19 overcharge money distributed to the state to supplement  
20 state and federal programs that the state administers in a  
21 manner consistent with federal court orders establishing or  
22 approving the payment of the funds to the state of Montana  
23 and in accordance with the precedent established by the U.S.  
24 congress in appropriating money to federal programs.

25 NEW SECTION. Section 2. Definitions. As used in [this

1 act], the following definitions apply:

2 (1) "Amoco payment" means the oil overcharge payment  
3 made to the U.S. treasury for distribution to the state of  
4 Montana pursuant to the administrative decision and order  
5 entitled standard oil co. (Indiana)/Maryland, 13 DOE 85,  
6 075 (1985).

7 (2) "Diamond shamrock payment" means the oil  
8 overcharge payment made to the U.S. treasury for  
9 distribution to the state of Montana pursuant to the order  
10 of the U.S. district court for the southern district of Ohio  
11 eastern division in Civil Action No. C2-84-14032.

12 (3) "Exxon payment" means the oil overcharge payment  
13 made by the Exxon corporation to the U.S. treasury for  
14 distribution to the state of Montana pursuant to the order  
15 of the U.S. district court for the District of Columbia in  
16 Civil Action No. 78-1035.

17 (4) "Stripper well payment" means the oil overcharge  
18 payment made to the U.S. treasury for distribution to the  
19 state of Montana as the result of the final settlement  
20 agreement in the U.S. district court for the District of  
21 Kansas, Cause No. M.D.L. 378.

22 NEW SECTION. Section 3. Account established -- use.

23 (1) There is created an energy conservation and energy  
24 assistance account within the federal special revenue fund  
25 established in 17-2-102.

1 (2) The amounts deposited in the account and interest  
 2 and earnings on the account are statutorily appropriated as  
 3 provided in 17-7-502 to the department of social and  
 4 rehabilitation services to fund its low-income energy  
 5 assistance and home weatherization programs created in  
 6 90-4-201. However, the department may use the principal of  
 7 the account only if the federal grants for either of those  
 8 programs is reduced below the federal fiscal year 1987  
 9 level. The department may not use the principal to increase  
 10 expenditures to either program above the level of the  
 11 federal grant for that program for federal fiscal year 1987.

12 NEW SECTION. Section 4. Transfer of funds. (1) There  
 13 is transferred to the energy conservation and energy  
 14 assistance account ~~\$4,660,958~~ ~~\$1,755,000~~ \$1,650,000 from the  
 15 Exxon payment contained in the federal special revenue fund.

16 (2) There is transferred to the energy conservation  
 17 and energy assistance account ~~\$1,009,042~~ ~~\$950,000~~ \$850,000  
 18 from the stripper well payment in the federal special  
 19 revenue fund.

20 (3) The remaining balance of the appropriation in  
 21 House Bill No. 22 of the June 1986 special session is  
 22 transferred to the energy conservation and energy assistance  
 23 account.

24 (4) THERE IS TRANSFERRED TO THE EXXON WEATHERIZATION  
 25 ACCOUNT \$3,200,000 FROM THE EXXON PAYMENT CONTAINED IN THE

1 FEDERAL SPECIAL REVENUE FUND. THESE FUNDS ARE APPROPRIATED  
 2 TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES FOR  
 3 USE IN THE HOME WEATHERIZATION PROGRAM CREATED IN 90-4-201.

4 (5) (A) THERE IS APPROPRIATED TO THE DEPARTMENT OF  
 5 SOCIAL AND REHABILITATION SERVICES \$100,000 FROM THE  
 6 STRIPPER WELL PAYMENT CONTAINED IN THE FEDERAL SPECIAL  
 7 REVENUE ACCOUNT FOR EACH YEAR IN THE BIENNIUM ENDING JUNE  
 8 30, 1989, FOR THE PURPOSE DESCRIBED IN SUBSECTION (5)(B).

9 (B) MATCHING FUNDS FOR LOW-INCOME ENERGY ASSISTANCE.  
 10 THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SHALL  
 11 MATCH PRIVATE CONTRIBUTIONS TO ENERGY SHARE, INC., TO BE  
 12 USED TO ASSIST PERSONS NOT ELIGIBLE FOR FEDERAL LOW-INCOME  
 13 ENERGY ASSISTANCE WHOSE INCOME IS LESS THAN 150% OF THE  
 14 FEDERAL POVERTY THRESHOLD PUBLISHED BY THE U.S. BUREAU OF  
 15 THE CENSUS IN THE MOST RECENT EDITION OF ITS PUBLICATION,  
 16 CHARACTERISTICS OF THE POPULATION BELOW THE POVERTY LEVEL  
 17 (CURRENT POPULATION REPORTS, SERIES P-60). ALL OF THE FUNDS  
 18 APPROPRIATED TO THE DEPARTMENT FOR THIS PURPOSE UNDER  
 19 SUBSECTION (5)(A) MUST BE USED FOR CLIENTS' FUEL BILLS OR  
 20 OTHER ENERGY NEEDS.

21 (5)(6) THE DEPARTMENT OF SOCIAL AND REHABILITATION  
 22 SERVICES SHALL ENCOURAGE HUMAN RESOURCE DEVELOPMENT COUNCILS  
 23 AND OTHER PUBLIC OR NONPROFIT ENTITIES THAT RECEIVE  
 24 WEATHERIZATION FUNDS TO HIRE INDIVIDUALS WHO ARE ELIGIBLE  
 25 FOR GENERAL RELIEF UNDER TITLE 53, CHAPTER 3, TO WORK IN

1 HOME WEATHERIZATION PROJECTS, TO THE MAXIMUM EXTENT  
2 POSSIBLE.

3 NEW SECTION. Section 5. Transloading facility. (1)  
4 The department of commerce is authorized to issue to a local  
5 government a grant for construction of a demonstration  
6 truck/train transloading facility. The department shall  
7 solicit proposals AND ACCEPT PROPOSALS FOR NO LESS THAN 2  
8 MONTHS FOLLOWING THE ISSUANCE OF REQUESTS FOR PROPOSALS and  
9 shall award the grant primarily on the basis of simple  
10 payback in energy savings. The department shall also  
11 consider impact on freight rates, job creation, GEOGRAPHIC  
12 PROXIMITY TO RAW MATERIALS, and access to new markets for  
13 Montana producers and shippers.

14 (2) The department of natural resources and  
15 conservation is authorized to administratively transfer  
16 funds to the department of commerce for a demonstration  
17 truck/train transloading facility as provided in subsection  
18 (1).

19 NEW SECTION. Section 6. Energy conservation in  
20 agriculture. (1) The department of natural resources and  
21 conservation is authorized to make grants under its state  
22 energy conservation program, approved pursuant to 10 CFR  
23 420.5, to conservation districts for projects that promote  
24 energy conservation in agriculture.

25 (2) The department of natural resources and

1 conservation shall give public notice of opportunity for  
2 grants and the criteria to be used for the award of grants.  
3 The criteria must include but are not limited to energy  
4 savings and consistency with sound water and soil  
5 conservation practices.

6 NEW SECTION. Section 7. State-owned building  
7 retrofitting. (1) The department of natural resources and  
8 conservation is authorized, in consultation with the  
9 department of administration, to train employees in the  
10 operation and maintenance of energy saving equipment and in  
11 the implementation of energy conserving practices and to  
12 make grants to state agencies for energy efficiency analysis  
13 of state-owned buildings. The department of natural  
14 resources and conservation may also make loans to state  
15 agencies for retrofitting state-owned buildings.

16 (2) The department of natural resources and  
17 conservation shall consider simple payback, type of energy  
18 saved, results of similar projects, expected life of the  
19 retrofit, and use of the retrofit as a model for other  
20 buildings in making grants and loans under subsection (1).

21 NEW SECTION. SECTION 8. BIOLOGICAL AGENTS FOR WEED  
22 CONTROL. (1) THE DEPARTMENT OF AGRICULTURE IS AUTHORIZED TO  
23 EXPEND FUNDS FOR THE COLLECTION AND DISTRIBUTION OF  
24 BIOLOGICAL AGENTS TO CONTROL LEAFY SPURGE AND SPOTTED  
25 KNAPWEED. THE PROJECT WILL REDUCE ENERGY CONSUMPTION BY

1 REDUCING THE NEED FOR REPEATED CHEMICAL APPLICATION.  
 2 (2) THE DEPARTMENT OF NATURAL RESOURCES AND  
 3 CONSERVATION IS AUTHORIZED TO ADMINISTRATIVELY TRANSFER  
 4 FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR THE PROJECT  
 5 DESCRIBED IN SUBSECTION (1).

6 NEW SECTION. Section 9. Appropriations. (1) There is  
 7 appropriated from the Exxon payment contained in the federal  
 8 special revenue account to the department of natural  
 9 resources and conservation \$2,100,000 for use in the state  
 10 energy conservation program, approved pursuant to 10 CFR  
 11 420.5, for a grant for a transloading facility pursuant to  
 12 [section 5].

13 (2) There is appropriated \$305,439 from the Exxon  
 14 payment and \$338,000 from the stripper well payment  
 15 contained in the federal special revenue account to the  
 16 department of natural resources and conservation for use in  
 17 the state energy conservation program, approved pursuant to  
 18 10 CFR 420.5, to encourage cost-effective energy  
 19 conservation practices by small energy consumers, to reduce  
 20 the rate of growth of energy demand, and to analyze energy  
 21 conservation practices and issues.

22 (3) There is appropriated \$500,000 from the Exxon  
 23 payment contained in the federal special revenue fund to the  
 24 department of natural resources and conservation for  
 25 implementation of [section 6].

1 (4) There is appropriated ~~\$2,000,000~~ ~~\$1,900,000~~  
 2 \$1,985,000 from the stripper well payment contained in the  
 3 federal special revenue fund to the department of natural  
 4 resources and conservation for implementation of [section  
 5 7].

6 (5) There is appropriated ~~\$1,000,000~~ ~~\$1,000,000~~  
 7 \$900,000 from the Exxon payment contained in the federal  
 8 special revenue fund to the department of natural resources  
 9 and conservation for use in the institutional conservation  
 10 program for schools and hospitals administered by the  
 11 department pursuant to 10 CFR 455.

12 (6) There is appropriated \$235,000 from the Exxon  
 13 payment contained in the federal special revenue fund to the  
 14 department of natural resources and conservation to award a  
 15 grant to a public or private entity to provide technical  
 16 assistance to local government entities for the purpose of  
 17 identifying energy conservation measures. The grant must be  
 18 approved pursuant to 10 CFR 465.8.

19 (7) There is appropriated \$234,916 from the diamond  
 20 shamrock payment contained in the federal special revenue  
 21 fund to the department of natural resources and conservation  
 22 to administer the programs authorized by [this act].

23 (8) There is appropriated \$87,000 from the stripper  
 24 well payment and \$124,000 from the amoco payment contained  
 25 in the federal special revenue fund to the department of

1 highways to replace energy inefficient mercury highway  
2 lights east of the continental divide with energy efficient  
3 low-pressure sodium vapor lights.

4 (9) THERE IS APPROPRIATED FROM THE STRIPPER WELL  
5 PAYMENT CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND TO THE  
6 DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION \$139,042  
7 FOR COLLECTION AND DISTRIBUTION OF BIOLOGICAL AGENTS TO  
8 CONTROL LEAFY SPURGE AND SPOTTED KNAPWEED.

9 ~~(9)~~(10) Interest earned on money transferred or  
10 appropriated in [this act] must be deposited in the account  
11 from which it was earned. This money is appropriated to the  
12 same program for which the principal was appropriated.

13 ~~(10)~~(11) The appropriations made in this section are  
14 biennial appropriations.

15 NEW SECTION. SECTION 10. APPROPRIATION. THERE IS  
16 APPROPRIATED FROM THE STRIPPER WELL PAYMENT CONTAINED IN THE  
17 FEDERAL SPECIAL REVENUE FUND TO THE DEPARTMENT OF COMMERCE  
18 \$65,000 FOR REPAIR OF THE ROOF AT WEST YELLOWSTONE AIRPORT.  
19 THE DEPARTMENT OF COMMERCE IS DIRECTED TO TAKE THE STEPS  
20 NECESSARY TO TRANSFER OWNERSHIP OF THE WEST YELLOWSTONE  
21 AIRPORT TO THE CITY OF WEST YELLOWSTONE OR ANOTHER LOCAL  
22 PUBLIC AUTHORITY WILLING TO OWN AND OPERATE THE AIRPORT. IF  
23 NO PUBLIC ENTITY IS WILLING TO TAKE OVER THE AIRPORT, THE  
24 DEPARTMENT SHALL PRESENT A PLAN TO THE 51ST LEGISLATURE TO  
25 CLOSE THE AIRPORT.

1 NEW SECTION. Section 11. Proration. If overcharge  
2 money and interest are insufficient to meet any amount  
3 transferred or appropriated in [this act], the amount  
4 transferred or appropriated for each fund is reduced by the  
5 same proportion as the amount of the deficiency bears to the  
6 total amount transferred or appropriated in [this act] from  
7 that fund.

8 Section 12. Section 17-7-502, MCA, is amended to read:  
9 "17-7-502. Statutory appropriations -- definition --  
10 requisites for validity. (1) A statutory appropriation is an  
11 appropriation made by permanent law that authorizes spending  
12 by a state agency without the need for a biennial  
13 legislative appropriation or budget amendment.

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

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

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

22 (3) The following laws are the only laws containing  
23 statutory appropriations:

- 24 (a) 2-9-202;  
25 (b) 2-17-105;



1 (c) 2-18-812;  
 2 (d) 10-3-203;  
 3 (e) 10-3-312;  
 4 (f) 10-3-314;  
 5 (g) 10-4-301;  
 6 (h) 13-37-304;  
 7 (i) 15-31-702;  
 8 (j) 15-36-112;  
 9 (k) 15-70-101;  
 10 (l) 16-1-404;  
 11 (m) 16-1-410;  
 12 (n) 16-1-411;  
 13 (o) 17-3-212;  
 14 (p) 17-5-404;  
 15 (q) 17-5-424;  
 16 (r) 17-5-804;  
 17 (s) 19-8-504;  
 18 (t) 19-9-702;  
 19 (u) 19-9-1007;  
 20 (v) 19-10-205;  
 21 (w) 19-10-305;  
 22 (x) 19-10-506;  
 23 (y) 19-11-512;  
 24 (z) 19-11-513;  
 25 (aa) 19-11-606;

1 (bb) 19-12-301;  
 2 (cc) 19-13-604;  
 3 (dd) 20-6-406;  
 4 (ee) 20-8-111;  
 5 (ff) 23-5-612;  
 6 (gg) 37-51-501;  
 7 (hh) 53-24-206;  
 8 (ii) 75-1-1101;  
 9 (jj) 75-7-305;  
 10 (kk) 80-2-103;  
 11 (ll) 80-2-228;  
 12 (mm) 90-3-301;  
 13 (nn) 90-3-302;  
 14 (oo) 90-15-103; and  
 15 (pp) Sec. 13, HB 861, L. 1985; and  
 16 (qq) [section 3].

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

1 bonds or notes have statutory appropriation authority for  
2 such payments."

3 NEW SECTION. Section 13. Effective date DATES. This  
4 act is effective July 1, 1987, EXCEPT THAT SECTION 5 AND  
5 THIS SECTION ARE EFFECTIVE UPON PASSAGE AND APPROVAL.

-End-

# STANDING COMMITTEE REPORT

## SENATE

April 2, 1987 19

MR. PRESIDENT

We, your committee on FINANCE AND CLAIMS

having had under consideration House Bill No. 621

third reading copy (blue color)

ALLOCATE FEDERAL OIL OVERCHARGE MONEY

QUILICI (Walker)

Respectfully report as follows: That House Bill No. 621, be amended as follows:

1. Page 3, line 14. Strike: "\$1,550,000" Insert: "\$1,650,000"

2. Page 3, line 17. Strike: "\$950,000" Insert: "\$850,000"

3. Page 7, line 25. Strike: "\$1,900,000" Insert: "\$1,985,000"

4. Page 9, Following line 12. Insert: "New Section. Section 10. There is appropriated from the stripper well payment, contained in the federal special revenue fund to the department of commerce, \$65,000 for repair of the roof at West Yellowstone airport. The department of commerce is directed to take the steps necessary to transfer ownership of the West Yellowstone airport to the city of West Yellowstone or another local public authority willing to own and operate the airport. If no public entity is willing to take over the airport, the department shall present a plan to the 51st legislature to close the airport."

Renumber: subsequent sections

AND AS AMENDED BE CONCURRED IN

MC

~~XXXXXXXX~~

~~XXXXXXXXXX~~

4-2-87

*John A. Regan*

Senator Regan

Chairman. 12:40