# HB 838 INTRODUCED BY BROWN, D. PROVIDES FOR PASS-THROUGH OF MONEY RECEIVED BY HARD-ROCK MINING IMPACT BOARD BY REQUEST OF DEPARTMENT OF COMMERCE

- 2/19 INTRODUCED
- 2/19 REFERRED TO APPROPRIATIONS
- 2/19 FISCAL NOTE REQUESTED
- 2/23 FISCAL NOTE RECEIVED
- 3/04 HEARING
- 3/21 TABLED IN COMMITTEE

1	A HOUSE BILL NO. 838
2	INTRODUCED BY Brown
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE
6	STATUTORY APPROPRIATION AND PASS-THROUGH OF MONEY RECEIVED
7	BY THE HARD-ROCK MINING IMPACT BOARD FOR THE LOCAL IMPACT OF
8	MINERAL DEVELOPMENT; AMENDING SECTIONS 17-7-502 AND
9	90-6-304, MCA; AND PROVIDING AN EFFECTIVE DATE."
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 17-7-502, MCA, is amended to read:
13	"17-7-502. Statutory appropriations definition
14	requisites for validity. (1) A statutory appropriation is an
15	appropriation made by permanent law that authorizes spending
16	by a state agency without the need for a biennial
17	legislative appropriation or budget amendment.
18	(2) Except as provided in subsection (4), to be
19	effective, a statutory appropriation must comply with both
20	of the following provisions:
21	(a) The law containing the statutory authority must be
22	listed in subsection (3).
23	(b) The law or portion of the law making a statutory
24	appropriation must specifically state that a statutory
25	appropriation is made as provided in this section.

1	(3)	The following laws are the only laws containing
2	statutory	appropriations:
3	(a)	2-9-202;
4	(b)	2-17-105;
5	(c)	2-18-812;
6	(d)	10-3-203;
7	(e)	10-3-312;
8	(f)	10-3-314;
9	(g)	10-4-301;
10	(h)	13-37-304;
11	(i)	15-31-702;
12	(j)	15-36-112;
13	(k)	15-70-101;
14	(1)	16-1-404;
15	( m )	16-1-410;
16	( n )	16-1-411;
17	(0)	17-3-212;
18	(p)	17-5-404;
19	(p)	17-5-424;
20 .	(r)	17-5-804;
21	(5)	19-8-504;
22	(t)	19-9-702;
23	(u)	19-9-1007;
24	(∨)	19-10-205;
25	(w)	19-10-305;

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1
           (x) 19-10-506;
 2
           (y) 19-11-512:
 3
           (2) 19-11-513;
           (aa) 19-11-606:
           (bb) 19-12-301:
           (cc) 19-13-604:
           (dd) 20-6-406:
 8
           (ee) 20-8-111;
           (ff) 23-5-612;
10
           (gg) 37-51-501;
11
           (hh) 53-24-206;
12
           (ii) 75-1-1101;
13
           (jj) 75-7-305;
14
           (kk) 80-2-103;
15
           (11) 80-2-228;
16
           (mm) 90-3-301:
17
           (nn) 90-3-302;
18
           (00) 90-6-304(2);
19
           too)(pp) 90-15-103; and
20
           tpp+(qq) Sec. 13, HB 861, L. 1985.
21
           (4) There is a statutory appropriation to pay the
      principal, interest, premiums, and costs of issuing, paying,
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23
      and securing all bonds, notes, or other obligations, as due,
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      that have been authorized and issued pursuant to the laws of
25
      Montana. Agencies that have entered into agreements
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authorized by the laws of Montana to pay the state 1 2 treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount 3 sufficient to pay the principal and interest as due on the 5 bonds or notes have statutory appropriation authority for such payments." 7 Section 2. Section 90-6-304, MCA, is amended to read: "90-6-304. Accounts established. (1) There is within the state special--revenue--fund agency fund a hard-rock 9 mining impact account. Moneys are payable into this account 1.1 from payments made by a mining developer in compliance with 12 the written guarantee from the developer to meet the 13 increased costs of public services and facilities as 14 specified in the impact plan provided for in 90-6-307. The 15 state treasurer shall draw warrants from this account upon

order of the hard-rock mining impact board.

hard-rock mining impact trust account. Money is payable into this account under the provisions of 15-37-117. After deducting the administrative and operating expenses of the board as provided in 90-6-303, money must be segregated within the account by county of origin. Money required to enable the board to hold public hearings and arbitrate disputes, as required by 90-6-307 and 90-6-311, is statutorily appropriated to the board as provided in

(2) There is within the state special revenue fund a

- 1 17-7-502. Money allocated to the county subaccounts as
- 2 provided by this section is statutorily appropriated to the
- 3 board, as provided in 17-7-502, for the purposes of
- 4 90-6-321. The state treasurer shall draw warrants from this
- 5 the hard-rock mining impact trust account upon order of the
- 6 hard-rock-mining-impact board."
- 7 NEW SECTION. Section 3. Effective date. This act is
- 8 effective July 1, 1987.

-End-

## STATE OF MONTANA - FISCAL NOTE

### Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB838, as introduced.

## DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide for the statutory appropriation and pass-through of money received by the Hard-Rock Mining Impact Board for the local impact of mineral development.

### ASSUMPTIONS:

- Administrative and operating expenses will be appropriated through the budgeting process.
- Monies for arbitrating disputes between local governments and the mining developer and for mitigating the 2. impacts of decline will be statutorily appropriated.
- Should this act not pass, direct appropriation authority or budget amendment authority will be necessary in 3. order to comply with existing statutes. This would amount to \$1,025,010 in FY88 and \$1,211,439 in FY89 -APPROPRIATION AUTHORITY ONLY. Budget amendments would have to meet the criteria for amendment of state special revenue funds specified in section 17-7-403(3), MCA.

# FISCAL IMPACT:

None.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES: No change.

L. HUNTER, DUDGET DIRECTOR

Office of Budget and Program Planning

BROWN, PRIMARY SPONSOR

Fiscal Note for HB838, as introduced.