

HOUSE BILL NO. 219  
INTRODUCED BY HARPER  
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 17, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
JANUARY 25, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 26, 1989	PRINTING REPORT.
JANUARY 28, 1989	SECOND READING, DO PASS.
JANUARY 30, 1989	ENGROSSING REPORT.
JANUARY 31, 1989	THIRD READING, PASSED. AYES, 96; NOES, 0.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 2, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 28, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 2, 1989	SECOND READING, CONCURRED IN.
MARCH 4, 1989	THIRD READING, CONCURRED IN. AYES, 46; NOES, 0.
	RETURNED TO HOUSE.

MARCH 4, 1989

IN THE HOUSE

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 219  
2 INTRODUCED BY Hooper  
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE  
4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING FUNDING FOR  
6 THE STATE'S CONTRIBUTION TO THE MONTANA HIGHWAY PATROLMEN'S  
7 RETIREMENT SYSTEM; PROVIDING FOR THE STATUTORY APPROPRIATION  
8 OF CERTAIN FUNDS TRANSFERRED TO THE HIGHWAY PATROLMEN'S  
9 RETIREMENT PENSION TRUST FUND; AMENDING SECTIONS 17-7-502,  
10 19-6-401, 19-6-404, AND 61-5-121, MCA; AND PROVIDING AN  
11 IMMEDIATE EFFECTIVE DATE."  
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
14 **Section 1.** Section 17-7-502, MCA, is amended to read:  
15 "17-7-502. Statutory appropriations -- definition --  
16 requisites for validity. (1) A statutory appropriation is an  
17 appropriation made by permanent law that authorizes spending  
18 by a state agency without the need for a biennial  
19 legislative appropriation or budget amendment.  
20 (2) Except as provided in subsection (4), to be  
21 effective, a statutory appropriation must comply with both  
22 of the following provisions:  
23 (a) The law containing the statutory authority must be  
24 listed in subsection (3).  
25 (b) The law or portion of the law making a statutory

1 appropriation must specifically state that a statutory  
2 appropriation is made as provided in this section.  
3 (3) The following laws are the only laws containing  
4 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;  
5 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;  
6 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;  
7 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;  
8 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205;  
9 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606;  
10 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111;  
11 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501;  
12 39-71-2504; 53-6-150; 53-24-206; 61-5-121; 67-3-205;  
13 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228;  
14 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306;  
15 90-15-103; section 13, House Bill No. 861, Laws of 1985; and  
16 section 1, Chapter 454, Laws of 1987.  
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

bonds or notes have statutory appropriation authority for such payments. (In subsection (3): pursuant to sec. 15, Ch. 607, L. 1987, the inclusion of 15-65-121 terminates June 30, 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion of 39-71-2504 terminates June 30, 1991; and pursuant to sec. 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L. 1987, terminates July 1, 1988.)"

**Section 2.** Section 19-6-401, MCA, is amended to read:

"19-6-401. Payments into retirement fund. All appropriations made by the state, all contributions by members of the Montana highway patrol, in the amount hereinafter specified, all interest on and increase of the investments and moneys under this account, and a portion of the fees from driver's licenses and duplicate driver's licenses as provided in 61-5-121 ~~shall~~ must be paid to the ~~state-treasurer;--who--shall--credit--the--payments--to--the~~ Montana-highway-patrolmen's--retirement-pension-trust-fund account."

**Section 3.** Section 19-6-404, MCA, is amended to read:

"19-6-404. State's contribution. (1) The state of Montana shall annually contribute to the account an amount equal to 26.75% of the salaries paid to the highway patrolmen who are covered by this account from the ~~general~~ fund;--in-addition,--the-state-shall-contribute-to-the-account following sources:

(1) an amount equal to 16.57% of salaries is payable from the same source that is used to pay compensation to the members; and

(2) an amount equal to 10.18% of salaries is payable from a portion of the fees from driver's licenses and duplicate driver's licenses as provided in 61-5-121.

~~(2)--The-department-shall-credit-all-fees-deposited--as provided--in--61-5-121--as--part-of-the-state's-contribution required-in-subsection-(1)--"~~

**Section 4.** Section 61-5-121, MCA, is amended to read:

"61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses provided for in 61-5-111(7)(a), motorcycle endorsements provided for in 61-5-111(7)(b), commercial vehicle operator's endorsements provided for in 61-5-111(7)(c), and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of 33 1/3% of each driver's license fee and of each duplicate driver's license fee must be deposited into the an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrolmen's retirement pension trust fund as provided in 19-6-404. Funds transferred from the account are statutorily appropriated, as provided in 17-7-502, to the pension trust fund.

(b) (i) If the fees are collected by a county

1 treasurer or other agent of the department, the amount of  
2 3 1/3% of each driver's license fee and of each duplicate  
3 driver's license fee must be deposited into the county  
4 general fund.

5 (ii) If the fees are collected by the department, the  
6 amount provided for in subsection (1)(b)(i) must be  
7 deposited into the state special revenue fund for use by the  
8 department to defray the costs of issuing licenses or  
9 duplicate licenses.

10 (c) (i) If the fee is collected by a county treasurer  
11 or other agent of the department, the amount of 5% of each  
12 motorcycle endorsement must be deposited into the county  
13 general fund.

14 (ii) If the fee is collected by the department, the  
15 amount provided for in subsection (1)(c)(i) must be  
16 deposited into the state special revenue fund for use by the  
17 department to defray the costs of issuing motorcycle  
18 endorsements.

19 (d) The amount of 23 1/3% of each driver's license fee  
20 and of each duplicate driver's license fee and the amount of  
21 35% of each motorcycle endorsement fee must be deposited  
22 into the state traffic education account.

23 (e) The amount of 40% of each driver's license fee and  
24 of each duplicate driver's license fee and the amount of 60%  
25 of each motorcycle endorsement fee must be deposited into

1 the state general fund.

2 (f) The entire amount of each commercial vehicle  
3 operator's endorsement fee must be deposited into the motor  
4 vehicle recording account established in 61-3-108.

5 (2) (a) If fees from driver's licenses, commercial  
6 vehicle operator's endorsements, motorcycle endorsements,  
7 and duplicate driver's licenses are collected by a county  
8 treasurer or other agent of the department, he shall deposit  
9 the amounts provided for in subsections (1)(b)(i) and  
10 (1)(c)(i) into the county general fund. He shall then remit  
11 to the state treasurer all remaining fees, together with a  
12 statement indicating what portion of each fee is to be  
13 deposited into the ~~Montana-highway-patrolmen's-retirement~~  
14 ~~pension-trust-fund~~ account in the state special revenue fund  
15 as provided in subsection (1)(a), the state traffic  
16 education account, and the state general fund. The state  
17 treasurer, upon receipt of the fees and statement, shall  
18 deposit the fees as provided in subsections (1)(a), (1)(d),  
19 (1)(e), and (1)(f).

20 (b) If fees from driver's licenses, commercial vehicle  
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7 and (1)(f)."

8 NEW SECTION. **Section 5.** Extension of authority. Any  
9 existing authority to make rules on the subject of the  
10 provisions of [this act] is extended to the provisions of  
11 [this act].

12 NEW SECTION. **Section 6.** Effective date. [This act] is  
13 effective on passage and approval.

-End-

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ON STATE ADMINISTRATION

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16 section 1, Chapter 454, Laws of 1987.

17 (4) There is a statutory appropriation to pay the  
18 principal, interest, premiums, and costs of issuing, paying,  
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 25 following sources:

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4 (2) an amount equal to 10.18% of salaries is payable  
 5 from a portion of the fees from driver's licenses and  
 6 duplicate driver's licenses as provided in 61-5-121.

7 ~~{2}--The department shall credit all fees deposited--as~~  
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5 (2) (a) If fees from driver's licenses, commercial  
6 vehicle operator's endorsements, motorcycle endorsements,  
7 and duplicate driver's licenses are collected by a county  
8 treasurer or other agent of the department, he shall deposit  
9 the amounts provided for in subsections (1)(b)(i) and  
10 (1)(c)(i) into the county general fund. He shall then remit  
11 to the state treasurer all remaining fees, together with a  
12 statement indicating what portion of each fee is to be  
13 deposited into the Montana-highway-patrolmen's-retirement  
14 pension-trust-fund account in the state special revenue fund  
15 as provided in subsection (1)(a), the state traffic  
16 education account, and the state general fund. The state  
17 treasurer, upon receipt of the fees and statement, shall  
18 deposit the fees as provided in subsections (1)(a), (1)(d),  
19 (1)(e), and (1)(f).

20 (b) If fees from driver's licenses, commercial vehicle  
21 operator's endorsements, motorcycle endorsements, and  
22 duplicate driver's licenses are collected by the department,  
23 it shall remit all fees to the state treasurer, together  
24 with a statement indicating what portion of each fee is to  
25 be deposited into the Montana-highway-patrolmen's-retirement

1 ~~pension-trust-fund~~ account in the state special revenue fund  
2 as provided in subsection (1)(a), the state special revenue  
3 fund, the state traffic education account, and the state  
4 general fund. The state treasurer, upon receipt of the fees  
5 and statement, shall deposit the fees as provided in  
6 subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), (1)(e),  
7 and (1)(f)."

8 NEW SECTION. **Section 5.** Extension of authority. Any  
9 existing authority to make rules on the subject of the  
10 provisions of [this act] is extended to the provisions of  
11 [this act].

12 NEW SECTION. **Section 6.** Effective date. [This act] is  
13 effective on passage and approval.

-End-

HOUSE BILL NO. 219

INTRODUCED BY HARPER

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING FUNDING FOR THE STATE'S CONTRIBUTION TO THE MONTANA HIGHWAY PATROLMEN'S RETIREMENT SYSTEM; PROVIDING FOR THE STATUTORY APPROPRIATION OF CERTAIN FUNDS TRANSFERRED TO THE HIGHWAY PATROLMEN'S RETIREMENT PENSION TRUST FUND; AMENDING SECTIONS 17-7-502, 19-6-401, 19-6-404, AND 61-5-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 17-7-502, MCA, is amended to read:

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

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

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

(b) The law or portion of the law making a statutory

appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-4-109; 20-6-406; 20-8-111; 23-5-610; 23-5-1027; 33-31-212; 33-31-401; 37-51-501; 39-71-2504; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228; 82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306; 90-15-103; section 13, House Bill No. 861, Laws of 1985; and section 1, Chapter 454, Laws of 1987.

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

1 bonds or notes have statutory appropriation authority for  
 2 such payments. (In subsection (3): pursuant to sec. 15, Ch.  
 3 607, L. 1987, the inclusion of 15-65-121 terminates June 30,  
 4 1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion  
 5 of 39-71-2504 terminates June 30, 1991; and pursuant to sec.  
 6 6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.  
 7 1987, terminates July 1, 1988.)"

8 **Section 2.** Section 19-6-401, MCA, is amended to read:

9 "19-6-401. Payments into retirement fund. All  
 10 appropriations made by the state, all contributions by  
 11 members of the Montana highway patrol, in the amount  
 12 hereinafter specified, all interest on and increase of the  
 13 investments and moneys under this account, and a portion of  
 14 the fees from driver's licenses and duplicate driver's  
 15 licenses as provided in 61-5-121 ~~shall must~~ be paid to the  
 16 ~~state-treasurer, who shall credit the payments to the~~  
 17 ~~Montana highway patrolmen's retirement pension trust fund~~  
 18 account."

19 **Section 3.** Section 19-6-404, MCA, is amended to read:

20 "19-6-404. State's contribution. ~~(1)~~ The state of  
 21 Montana shall annually contribute to the account an amount  
 22 equal to 26.75% of the salaries paid to the highway  
 23 patrolmen who are covered by this account from the ~~general~~  
 24 ~~fund; in addition, the state shall contribute to the account~~  
 25 following sources:

1 (1) an amount equal to 16.57% of salaries is payable  
 2 from the same source that is used to pay compensation to the  
 3 members; and

4 (2) an amount equal to 10.18% of salaries is payable  
 5 from a portion of the fees from driver's licenses and  
 6 duplicate driver's licenses as provided in 61-5-121.

7 ~~(2)--The department shall credit all fees deposited as~~  
 8 ~~provided in 61-5-121 as part of the state's contribution~~  
 9 ~~required in subsection (1);"~~

10 **Section 4.** Section 61-5-121, MCA, is amended to read:

11 "61-5-121. Disposition of fees. (1) The disposition of  
 12 the fees from driver's licenses provided for in  
 13 61-5-111(7)(a), motorcycle endorsements provided for in  
 14 61-5-111(7)(b), commercial vehicle operator's endorsements  
 15 provided for in 61-5-111(7)(c), and duplicate driver's  
 16 licenses provided for in 61-5-114 is as follows:

17 (a) The amount of 33 1/3% of each driver's license fee  
 18 and of each duplicate driver's license fee must be deposited  
 19 into the an account in the state special revenue fund. The  
 20 department shall transfer the funds from this account to the  
 21 Montana highway patrolmen's retirement pension trust fund as  
 22 provided in 19-6-404. Funds transferred from the account are  
 23 statutorily appropriated, as provided in 17-7-502, to the  
 24 pension trust fund.

25 (b) (i) If the fees are collected by a county



1 treasurer or other agent of the department, the amount of  
2 3 1/3% of each driver's license fee and of each duplicate  
3 driver's license fee must be deposited into the county  
4 general fund.

5 (ii) If the fees are collected by the department, the  
6 amount provided for in subsection (1)(b)(i) must be  
7 deposited into the state special revenue fund for use by the  
8 department to defray the costs of issuing licenses or  
9 duplicate licenses.

10 (c) (i) If the fee is collected by a county treasurer  
11 or other agent of the department, the amount of 5% of each  
12 motorcycle endorsement must be deposited into the county  
13 general fund.

14 (ii) If the fee is collected by the department, the  
15 amount provided for in subsection (1)(c)(i) must be  
16 deposited into the state special revenue fund for use by the  
17 department to defray the costs of issuing motorcycle  
18 endorsements.

19 (d) The amount of 23 1/3% of each driver's license fee  
20 and of each duplicate driver's license fee and the amount of  
21 35% of each motorcycle endorsement fee must be deposited  
22 into the state traffic education account.

23 (e) The amount of 40% of each driver's license fee and  
24 of each duplicate driver's license fee and the amount of 60%  
25 of each motorcycle endorsement fee must be deposited into

1 the state general fund.

2 (f) The entire amount of each commercial vehicle  
3 operator's endorsement fee must be deposited into the motor  
4 vehicle recording account established in 61-3-108.

5 (2) (a) If fees from driver's licenses, commercial  
6 vehicle operator's endorsements, motorcycle endorsements,  
7 and duplicate driver's licenses are collected by a county  
8 treasurer or other agent of the department, he shall deposit  
9 the amounts provided for in subsections (1)(b)(1) and  
10 (1)(c)(i) into the county general fund. He shall then remit  
11 to the state treasurer all remaining fees, together with a  
12 statement indicating what portion of each fee is to be  
13 deposited into the Montana-highway-patrolmen's-retirement  
14 pension-trust-fund account in the state special revenue fund  
15 as provided in subsection (1)(a), the state traffic  
16 education account, and the state general fund. The state  
17 treasurer, upon receipt of the fees and statement, shall  
18 deposit the fees as provided in subsections (1)(a), (1)(d),  
19 (1)(e), and (1)(f).

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21 operator's endorsements, motorcycle endorsements, and  
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24 with a statement indicating what portion of each fee is to  
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and statement, shall deposit the fees as provided in  
subsections (1)(a), (1)(b)(ii), (1)(c)(ii), (1)(d), (1)(e),  
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NEW SECTION. Section 5. Extension of authority. Any  
existing authority to make rules on the subject of the  
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-End-