

HOUSE BILL NO. 691
INTRODUCED BY SIMPKINS

IN THE HOUSE

FEBRUARY 14, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
FEBRUARY 16, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 17, 1989	PRINTING REPORT.
FEBRUARY 20, 1989	SECOND READING, DO PASS.
	ENGROSSING REPORT.
FEBRUARY 21, 1989	THIRD READING, PASSED. AYES, 93; NOES, 3.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 28, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 14, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 15, 1989	SECOND READING, CONCURRED IN.
MARCH 17, 1989	THIRD READING, CONCURRED IN. AYES, 47; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 31, 1989	RECEIVED FROM SENATE.
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APRIL 1, 1989

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 691
 2 INTRODUCED BY Simpkins
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE GOVERNOR
 5 TO DESIGNATE THE STATE GOVERNMENT DEPARTMENT RESPONSIBLE FOR
 6 ADMINISTERING FEDERAL SURPLUS PROPERTY; AND AMENDING
 7 SECTIONS 2-15-1011, 18-5-201, AND 18-5-205, MCA."
 8
 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 2-15-1011, MCA, is amended to read:

11 "2-15-1011. State agency for surplus property. There is
 12 ~~hereby created and established~~ a Montana state agency for
 13 ~~federal surplus property which shall be that is~~ administered
 14 by the a department of--administration designated by the
 15 governor. The director of the department may prescribe the
 16 duties of such personnel ~~as--are~~ needed to carry out the
 17 duties of Title 18, chapter 5, part 2."

18 **Section 2.** Section 18-5-201, MCA, is amended to read:

19 "18-5-201. Administration of the state agency for
 20 surplus property. There is ~~hereby created and established~~ a
 21 Montana state agency for federal surplus property, ~~which~~
 22 ~~shall be that is~~ administered by the a department of
 23 administration designated by the governor. The director of
 24 the department may prescribe the duties of such personnel ~~as~~
 25 ~~are~~ needed to carry out the duties ~~as--hereinafter--stated~~

1 under this part."

2 **Section 3.** Section 18-5-205, MCA, is amended to read:

3 "18-5-205. Officers or employees authorized to secure
 4 transfer of surplus property. Any (1) Notwithstanding any
 5 provision of law to the contrary notwithstanding, the
 6 governing board or, ~~in--case if~~ there ~~be~~ is none, the
 7 executive head of any a state department, ~~--instrumentality,~~
 8 or agency or of any a city, county, school district, or
 9 other political subdivision may by order or resolution
 10 confer upon any an officer or employee thereof continuing
 11 authority ~~from time to time~~ to:

12 (a) secure the transfer to it of surplus property under
 13 this part through the department ~~of--administration~~
 14 designated in 18-5-201 under the provisions of section
 15 203(j) of the Federal Property and Administrative Services
 16 Act of 1949, as amended; and to

17 (b) obligate the state or political subdivision and its
 18 funds to the extent necessary to comply with the terms and
 19 conditions of such the transfers.

20 (2) The authority conferred upon any ~~such an~~ officer or
 21 employee by ~~any such an~~ order or resolution ~~shall--remain~~
 22 remains in effect ~~unless and~~ until the order or resolution
 23 is duly revoked and written notice of such the revocation
 24 ~~shall have~~ has been received by the department."

25 **NEW SECTION. Section 4.** Extension of authority. Any

LC 1335/01

1 existing authority to make rules on the subject of the
2 provisions of [this act] is extended to the provisions of
3 [this act].

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB691, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

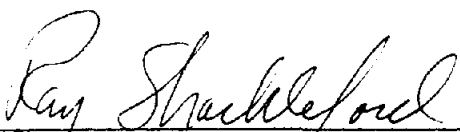
An act permitting the Governor to designate the state government department responsible for administering federal surplus property; and amending sections 2-15-1011, 18-5-201, and 18-5-205, MCA.

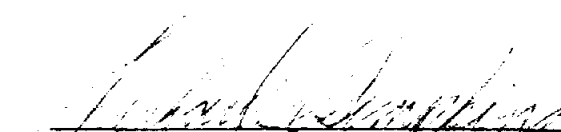
ASSUMPTION:

Property and Supply Bureau's budget request for FY90 and FY91 would not change. Expenditures charged to the Federal Program (example: rent, utilities, audit fees, etc.) are fixed costs and will be absorbed by the Central Stores and State Surplus Programs.

FISCAL IMPACT:

None.


DATE 2/21/89
RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING


DATE 2/21/89
RICHARD D. SIMPKINS, PRIMARY SPONSOR

Fiscal Note for HB691, as introduced

HB 691

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

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2 INTRODUCED BY Longbrax
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14 by the a department ~~of--administration designated by the~~
15 ~~governor~~. The director of the department may prescribe the
16 duties of such personnel ~~as--are~~ needed to carry out the
17 duties of Title 18, chapter 5, part 2."

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20 surplus property. There is ~~hereby created and established~~ a
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23 ~~administration designated by the governor~~. The director of
24 the department may prescribe the duties of such personnel ~~as~~
25 ~~are~~ needed to carry out the duties ~~as--hereinafter--stated~~

1 under this part."

2 **Section 3.** Section 18-5-205, MCA, is amended to read:

3 "18-5-205. Officers or employees authorized to secure
4 transfer of surplus property. Any (1) Notwithstanding any
5 provision of law to the contrary ~~notwithstanding~~, the
6 governing board or, ~~in--case if~~ there ~~be is~~ none, the
7 executive head of any a state department, ~~--instrumentality,~~
8 or agency or of any a city, county, school district, or
9 other political subdivision may by order or resolution
10 confer upon any an officer or employee thereof continuing
11 authority ~~from time to time~~ to:

12 (a) secure the transfer to it of surplus property under
13 this part through the department ~~of--administration~~
14 designated in 18-5-201 under the provisions of section
15 203(j) of the Federal Property and Administrative Services
16 Act of 1949, as amended; and to

17 (b) obligate the state or political subdivision and its
18 funds to the extent necessary to comply with the terms and
19 conditions of such the transfers.

20 (2) The authority conferred upon any ~~such an~~ officer or
21 employee by ~~any such an~~ order or resolution ~~shall--remain~~
22 remains in effect ~~unless and until~~ the order or resolution
23 is duly revoked and written notice of such the revocation
24 ~~shall have~~ has been received by the department."

25 NEW SECTION. **Section 4.** Extension of authority. Any

LC 1335/01

1 existing authority to make rules on the subject of the
2 provisions of [this act] is extended to the provisions of
3 [this act].

-End-

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 20 surplus property. There is ~~hereby-created-and-established~~ a
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 24 the department may prescribe the duties of such personnel ~~as~~
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 4 transfer of surplus property. Any (1) Notwithstanding any
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 7 executive head of any a state department,--~~instrumentality,~~
 8 or agency or of any a city, county, school district, or
 9 other political subdivision may by order or resolution
 10 confer upon any an officer or employee thereof continuing
 11 authority ~~from-time-to-time~~ to:
 12 (a) secure the transfer to it of surplus property under
 13 this part through the department of--~~administration~~
 14 designated in 18-5-201 under the provisions of section
 15 203(j) of the Federal Property and Administrative Services
 16 Act of 1949, as amended; and to
 17 (b) obligate the state or political subdivision and its
 18 funds to the extent necessary to comply with the terms and
 19 conditions of such the transfers.
 20 (2) The authority conferred upon any-such an officer or
 21 employee by any-such an order or resolution ~~shall--remain~~
 22 remains in effect ~~unless-and~~ until the order or resolution
 23 is duly revoked and written notice of such the revocation
 24 ~~shall-have~~ has been received by the department."
 25 **NEW SECTION. Section 4.** Extension of authority. Any

LC 1335/01

- 1 existing authority to make rules on the subject of the
- 2 provisions of [this act] is extended to the provisions of
- 3 [this act].

-End-

SENATE STANDING COMMITTEE REPORT

March 14, 1989

MR. PRESIDENT:

We, your committee on State Administration, having had under consideration HB 691 (third reading copy -- blue), respectfully report that HB 691 be amended and as so amended be concurred in:

Sponsor: Simpkins (Meyer)

1. Title, lines 6.
Following: "PROPERTY;"
Strike: "AND"

2. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 3.
Following: line 3
Insert: "NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1989."

AND AS AMENDED BE CONCURRED IN

Signed: Farrell
William E. Farrell, Chairman

HB 691

SENATE

HOUSE BILL NO. 691
INTRODUCED BY SIMPKINS

A BILL FOR AN ACT ENTITLED: "AN ACT PERMITTING THE GOVERNOR TO DESIGNATE THE STATE GOVERNMENT DEPARTMENT RESPONSIBLE FOR ADMINISTERING FEDERAL SURPLUS PROPERTY; AND AMENDING SECTIONS 2-15-1011, 18-5-201, AND 18-5-205, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-1011, MCA, is amended to read:

"2-15-1011. State agency for surplus property. There is hereby-created-and-established a Montana state agency for federal surplus property which shall be that is administered by the a department of--administration designated by the governor. The director of the department may prescribe the duties of such personnel ~~as--are~~ needed to carry out the duties of Title 18, chapter 5, part 2."

Section 2. Section 18-5-201, MCA, is amended to read:

"18-5-201. Administration of the state agency for surplus property. There is hereby-created-and-established a Montana state agency for federal surplus property--which shall be that is administered by the a department of administration designated by the governor. The director of the department may prescribe the duties of such personnel as

are needed to carry out the duties ~~as--hereinafter--stated~~ under this part."

Section 3. Section 18-5-205, MCA, is amended to read:

"18-5-205. Officers or employees authorized to secure transfer of surplus property. Any (1) Notwithstanding any provision of law to the contrary notwithstanding, the governing board or, in--case if there be is none, the executive head of any a state department--instrumentality, or agency or of any a city, county, school district, or other political subdivision may by order or resolution confer upon any an officer or employee thereof continuing authority from-time-to-time to:

(a) secure the transfer to it of surplus property under this part through the department ~~of--administration designated in 18-5-201~~ under the provisions of section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended; and to

(b) obligate the state or political subdivision and its funds to the extent necessary to comply with the terms and conditions of ~~such the~~ transfers.

(2) The authority conferred upon ~~any-such an~~ officer or employee by ~~any-such an~~ order or resolution ~~shall--remain~~ remains in effect ~~unless--and~~ until the order or resolution is duly revoked and written notice of ~~such the~~ revocation ~~shall--have~~ has been received by the department."

HB 0691/02

1 NEW SECTION. Section 4. Extension of authority. Any
2 existing authority to make rules on the subject of the
3 provisions of [this act] is extended to the provisions of
4 [this act].

5 NEW SECTION. SECTION 5. EFFECTIVE DATE. [THIS ACT] IS
6 EFFECTIVE JULY 1, 1989.

-End-