

HOUSE BILL NO. 401

INTRODUCED BY KADAS, BECK, LYNCH,  
J. RICE, QUILICI, GROSFIELD

IN THE HOUSE

JANUARY 30, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 8, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
MARCH 9, 1993	PRINTING REPORT.
MARCH 12, 1993	SECOND READING, DO PASS AS AMENDED.
MARCH 13, 1993	ENGROSSING REPORT.
MARCH 15, 1993	THIRD READING, PASSED. AYES, 81; NOES, 18.
MARCH 16, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 18, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
MARCH 25, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 26, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 29, 1993	THIRD READING, CONCURRED IN. AYES, 44; NOES, 3.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS
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APRIL 2, 1993

CONCURRED IN.

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *401*  
 2 INTRODUCED BY *Kadon Beck*  
 3 *Zimlin* *Griffith*

4 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
 5 ISSUANCE OF AN INTERENTITY LOAN TO THE DEPARTMENT OF HEALTH  
 6 AND ENVIRONMENTAL SCIENCES FROM THE GENERAL FUND TO BE  
 7 APPROPRIATED FOR TECHNICAL, LEGAL, AND ADMINISTRATIVE  
 8 ACTIVITIES FOR THE STATE OF MONTANA NATURAL RESOURCE DAMAGE  
 9 LITIGATION IN THE CLARK FORK RIVER BASIN AND OTHER POTENTIAL  
 10 SITES IN THE STATE; REAUTHORIZING THE 1992-93 BIENNIUM  
 11 INTERENTITY LOAN FROM THE GENERAL FUND; EXTENDING REPAYMENT  
 12 OF THE LOANS THROUGH THE 1995 BIENNIUM IN ACCORDANCE WITH  
 13 SECTION 17-2-107, MCA; AND PROVIDING AN EFFECTIVE DATE."

14

15 WHEREAS, the federal Comprehensive Environmental  
 16 Response, Compensation, and Liability Act of 1980 authorizes  
 17 the state, as trustee, to collect damages for state natural  
 18 resources injured by the release of hazardous substances;  
 19 and

20 WHEREAS, Chapter 711, Laws of 1985, as amended by  
 21 Chapter 709, Laws of 1989, and Chapter 752, Laws of 1991,  
 22 established the state proceedings for claims and actions for  
 23 damages to natural resources from releases of hazardous  
 24 substances, known as the Comprehensive Environmental Cleanup  
 25 and Responsibility Act; and

1 WHEREAS, the State of Montana filed suit in United  
 2 States District Court on December 22, 1983, against Atlantic  
 3 Richfield Company for damages to natural resources in the  
 4 Clark Fork River Basin; and

5 WHEREAS, a natural resource damage litigation program  
 6 policy committee has been formed to oversee the litigation  
 7 and the expenditure of the funds; and

8 WHEREAS, the court-ordered schedule requires the parties  
 9 to complete discovery by September 27, 1994, and be prepared  
 10 for trial in this matter by July 14, 1995.

11

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

13 NEW SECTION. Section 1. Natural resource damage  
 14 program authorization and appropriation of loan proceeds.

15 There is authorized to the department of health and  
 16 environmental sciences from the general fund for fiscal  
 17 years 1994 and 1995 an interentity loan in the amount of  
 18 \$2,619,076, the proceeds of which are appropriated for the  
 19 biennium ending June 30, 1995, for the purpose of conducting  
 20 the litigation and natural resource damage claim against the  
 21 atlantic richfield company (ARCO). Repayment of this loan is  
 22 extended through the end of the 1995 biennium in accordance  
 23 with 17-2-107. The repayment must include interest on the  
 24 amount loaned at a rate commensurate with rates earned in  
 25 the short-term investment pool.

1        NEW SECTION. Section 2. Natural resource damage  
2 program reauthorization. There is reauthorized to the  
3 department of health and environmental sciences from the  
4 general fund for fiscal years 1994 and 1995 an interentity  
5 loan that was authorized for fiscal years 1992 and 1993 in  
6 the amount of \$4,928,894, for the purpose of conducting the  
7 natural resource damage assessment and the litigation of the  
8 natural resource damage claim against the atlantic richfield  
9 company (ARCO). Repayment of this loan is extended through  
10 the end of the 1995 biennium in accordance with 17-2-107.  
11 The repayment must include interest on the amount loaned at  
12 a rate commensurate with rates earned in the short-term  
13 investment pool.

14        NEW SECTION. Section 3. Loan authorization --  
15 appropriation of loan proceeds. In addition to the  
16 litigation listed in [sections 1 and 2], loan proceeds are  
17 authorized for the purpose of conducting any other natural  
18 resource damage assessment, litigation, or administration as  
19 provided by Title 75, chapter 10, part 7.

20        NEW SECTION. Section 4. Effective date. [This act] is  
21 effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0401, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act authorizing the issuance of an interentity loan to the Department of Health and Environmental Sciences from the general fund to be appropriated for technical, legal and administrative activities for the state of Montana Natural Resource Damage Litigation in the Clark Fork River Basin and other potential sites in the state; reauthorizing the 1993 biennium interentity loan from the general fund and extending repayment of the loans through the 1995 biennium in accordance with 17-2-107, MCA.

ASSUMPTIONS:

1. The bill authorizes a FY94 and FY95 loan of \$2,619,076 to the Department of Health and Environmental Sciences (DHES) for the purpose of conducting the litigation and natural resource damage claim against ARCO.
2. The FY92 and FY93 loan of \$4,928,849 for the same purpose is reauthorized for the 1995 biennium.
3. Repayment of the loans must include interest commensurate with rates earned on the short-term investment pool.
4. The assessment for the Upper Clark Fork River Basin is planned to be completed in the spring of 1993 and DHES projects that the case could be settled by April of 1995. If an out-of-court settlement is not reached, the suit may not be resolved until the 1997 biennium.
5. The Natural Resource Damage Program is administratively attached to DHES.

Fiscal Impact:

The proposal has no fiscal impact on the DHES. Since the proposal provides for a loan that is still considered an asset to the general fund, the proposal has no effect on the ending fund balance of the general fund. However, there will be \$2.6 million less cash available during the 1995 biennium.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

When the suit is resolved, the loan plus interest will be repaid to the state general fund and any damages collected will be deposited in a trust fund for the remediation and mitigation of natural resource damages.

 2-2-93

DAVID LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

 2-3-93  
MIKE KADAS, PRIMARY SPONSOR      DATE

Fiscal Note for HB0401, as introduced

**HB 401**



1        NEW SECTION.    **Section 2.**    Natural    resource    damage  
2    program    reauthorization.    There is reauthorized to the  
3    department of health and environmental sciences from the  
4    general fund for fiscal years 1994 and 1995 an interentity  
5    loan that was authorized for fiscal years 1992 and 1993 in  
6    the amount of \$4,928,894, for the purpose of conducting the  
7    natural resource damage assessment and the litigation of the  
8    natural resource damage claim against the atlantic richfield  
9    company (ARCO). Repayment of this loan is extended through  
10   the end of the 1995 biennium in accordance with 17-2-107.  
11   The repayment must include interest on the amount loaned at  
12   a rate commensurate with rates earned in the short-term  
13   investment pool.

14        NEW SECTION.    **Section 3.**    Loan    authorization    --  
15   appropriation of loan proceeds. In addition to the  
16   litigation listed in [sections 1 and 2], loan proceeds are  
17   authorized for the purpose of conducting any other natural  
18   resource damage assessment, litigation, or administration as  
19   provided by Title 75, chapter 10, part 7.

20        NEW SECTION.    **Section 4.**    Effective date. [This act] is  
21   effective July 1, 1993.

-End-

HOUSE BILL NO. 401

INTRODUCED BY KADAS, BECK, LYNCH,

J. RICE, QUILICI, GROSFIELD

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
ISSUANCE OF AN--INTERENTITY A LOAN TO THE DEPARTMENT OF  
HEALTH AND ENVIRONMENTAL SCIENCES FROM THE GENERAL COAL  
SEVERANCE TAX PERMANENT FUND TO BE APPROPRIATED FOR  
TECHNICAL, LEGAL, AND ADMINISTRATIVE ACTIVITIES FOR THE  
STATE OF MONTANA NATURAL RESOURCE DAMAGE LITIGATION IN THE  
CLARK FORK RIVER BASIN AND OTHER POTENTIAL SITES IN THE  
STATE; REAUTHORIZING THE 1992-93 BIENNIUM INTERENTITY LOAN  
FROM THE GENERAL FUND AS A LOAN FROM THE COAL SEVERANCE TAX  
PERMANENT FUND; EXTENDING REPAYMENT OF THE LOANS THROUGH THE  
1995 BIENNIUM IN ACCORDANCE WITH SECTION 17-2-107, MCA;  
REQUIRING AN IRREVOCABLE AGREEMENT TO REPAY THE COAL  
SEVERANCE TAX PERMANENT FUND FROM ANY AMOUNT RECOVERED IN  
THE LITIGATION; AMENDING SECTION 17-6-310, MCA; AND  
PROVIDING AN EFFECTIVE DATE."

WHEREAS, the federal Comprehensive Environmental  
Response, Compensation, and Liability Act of 1980 authorizes  
the state, as trustee, to collect damages for state natural  
resources injured by the release of hazardous substances;  
and

WHEREAS, Chapter 711, Laws of 1985, as amended by  
Chapter 709, Laws of 1989, and Chapter 752, Laws of 1991,  
established the state proceedings for claims and actions for  
damages to natural resources from releases of hazardous  
substances, known as the Comprehensive Environmental Cleanup  
and Responsibility Act; and

WHEREAS, the State of Montana filed suit in United  
States District Court on December 22, 1983, against Atlantic  
Richfield Company for damages to natural resources in the  
Clark Fork River Basin; and

WHEREAS, a natural resource damage litigation program  
policy committee has been formed to oversee the litigation  
and the expenditure of the funds; and

WHEREAS, the court-ordered schedule requires the parties  
to complete discovery by September 27, 1994, and be prepared  
for trial in this matter by July 14, 1995.

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

NEW SECTION. Section 1. Natural resource damage  
program authorization and appropriation of loan proceeds.  
There is authorized to the department of health and  
environmental sciences from the general COAL SEVERANCE TAX  
PERMANENT fund for fiscal years 1994 and 1995 an-interentity  
A loan in the amount of \$2,619,076, the proceeds of which  
are appropriated for the biennium ending June 30, 1995, for





the purpose of conducting the litigation and natural resource damage claim against the atlantic richfield company (ARCO). Repayment of this loan is extended through the end of the 1995 biennium in accordance with 17-2-107. The repayment must include interest on the amount loaned at a rate commensurate with rates earned in the short-term LONG-TERM investment pool.

NEW SECTION. Section 2. Natural resource damage program reauthorization. (1) There is reauthorized AUTHORIZED to the department of health and environmental sciences from the general COAL SEVERANCE TAX PERMANENT fund for fiscal years 1994 and 1995 an interest-free loan that was authorized for fiscal years 1992 and 1993 FROM THE GENERAL FUND in the amount of \$4,928,894, for the purpose of conducting the natural resource damage assessment and the litigation of the natural resource damage claim against the atlantic richfield company (ARCO). Repayment of this loan is extended through the end of the 1995 biennium in accordance with 17-2-107. The repayment must include interest on the amount loaned at a rate commensurate with rates earned in the short-term investment pool. THERE IS ALSO AUTHORIZED TO THE DEPARTMENT FOR FISCAL YEAR 1994 A LOAN FROM THE COAL SEVERANCE TAX PERMANENT FUND IN THE AMOUNT OF \$246,135, WHICH REPRESENTS THE INTEREST LOST BY THE GENERAL FUND BECAUSE OF THE \$4,928,894 LOAN FOR FISCAL YEARS 1992 AND

1993.

(2) THE DEPARTMENT SHALL REPAY TO THE GENERAL FUND THE AMOUNT OF \$4,928,894, PLUS INTEREST IN THE AMOUNT OF \$246,135 THAT WAS LOST BY THE GENERAL FUND BECAUSE OF THE LOAN, FROM THE PROCEEDS OF THE LOANS AUTHORIZED IN SUBSECTION (1). THE REPAYMENT TO THE GENERAL FUND MUST BE MADE UPON RECEIPT OF THE LOANS AUTHORIZED BY SUBSECTION (1).

NEW SECTION. Section 3. Loan authorization -- appropriation of loan proceeds. In addition to the litigation listed in [sections 1 and 2], loan proceeds are authorized for the purpose of conducting any other natural resource damage assessment, litigation, or administration as provided by Title 75, chapter 10, part 7.

#### SECTION 4. SECTION 17-6-310, MCA, IS AMENDED TO READ:

"17-6-310. Limits on direct loans. (1) Except as provided in 20-9-466, [section 1], and [section 2], the state may not use the portion of the permanent coal tax trust fund designated for investment in the Montana economy to make direct loans.

(2) Except as provided in 20-9-466, [section 1], and [section 2], the permanent coal tax trust fund may not be used by the board of investments to make direct loans to individual borrowers. The purchase of debentures issued by a capital company and loans or portions of loans originated by a financial institution that are sold to the trust are not

1 direct loans."

2 NEW SECTION. SECTION 5. LOAN CONTRACT. IN ORDER TO  
3 MAKE THE LOANS AUTHORIZED IN [SECTIONS 1 AND 2], THE BOARD  
4 OF INVESTMENTS SHALL ENTER INTO AN IRREVOCABLE CONTRACT WITH  
5 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES PLEDGING  
6 THE AMOUNT RECOVERED IN THE LITIGATION TO THE REPAYMENT OF  
7 THE LOANS. THE CONTRACT MUST PROVIDE THAT LOAN REPAYMENTS  
8 MUST BE DEPOSITED IN THE COAL SEVERANCE TAX PERMANENT FUND.  
9 TO THE EXTENT POSSIBLE, THE BOARD SHALL MAKE THE LOANS FROM  
10 THE PORTION OF THE COAL SEVERANCE TAX PERMANENT FUND  
11 INVESTED IN THE SHORT-TERM INVESTMENT POOL. THE LOANS  
12 AUTHORIZED IN [SECTIONS 1 AND 2] MAY NOT BE MADE UNTIL THE  
13 CONTRACT REQUIRED BY THIS SECTION HAS BEEN ENTERED INTO BY  
14 THE BOARD AND THE DEPARTMENT.

15 NEW SECTION. SECTION 6. THREE-FOURTHS VOTE. BECAUSE  
16 [SECTION 3] APPROPRIATES MONEY FROM THE COAL SEVERANCE TAX  
17 TRUST FUND, ARTICLE IX, SECTION 5, OF THE MONTANA  
18 CONSTITUTION REQUIRES A VOTE OF THREE-FOURTHS OF THE MEMBERS  
19 OF EACH HOUSE OF THE LEGISLATURE FOR PASSAGE.

20 NEW SECTION. Section 7. Effective date. [This act] is  
21 effective July 1, 1993.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 24, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 401 (first reading copy -- white), respectfully report that House Bill No. 401 be amended as follows and as so amended be concurred in.

Signed: Judy H. Jacobson

Senator Judy H. Jacobson, Chair

That such amendments read:

1. Page 5, line 20.

Following: Line 19

Insert: "NEW SECTION. Section 7. Legislative oversight. The speaker of the house and the president of the senate shall each appoint two members of their respective bodies, one from each party, to meet quarterly for briefings on the progress of the Montana-ARCO litigation and negotiations. The committee shall also consider plans for appropriate utilization of any money received by the state as a result of the litigation. Staff assistance for the committee must be provided by the department of health and environmental sciences. Committee expenses must be paid from the appropriation in [section 1]."

Renumber: subsequent section

-END-

AM Amd. Coord.  
m Sec. of Senate

Senator Beck  
Senator Carrying Bill

SENATE

HB 401

661252SC.San

## 1 HOUSE BILL NO. 401

2 INTRODUCED BY KADAS, BECK, LYNCH,

3 J. RICE, QUILICI, GROSFIELD

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5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE  
6 ISSUANCE OF AN--INTERENTITY A LOAN TO THE DEPARTMENT OF  
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9 TECHNICAL, LEGAL, AND ADMINISTRATIVE ACTIVITIES FOR THE  
10 STATE OF MONTANA NATURAL RESOURCE DAMAGE LITIGATION IN THE  
11 CLARK FORK RIVER BASIN AND OTHER POTENTIAL SITES IN THE  
12 STATE; REAUTHORIZING THE 1992-93 BIENNIUM INTERENTITY LOAN  
13 FROM THE GENERAL FUND AS A LOAN FROM THE COAL SEVERANCE TAX  
14 PERMANENT FUND; EXTENDING REPAYMENT OF THE LOANS THROUGH THE  
15 1995 BIENNIUM IN ACCORDANCE WITH SECTION 17-2-107, MCA;  
16 REQUIRING AN IRREVOCABLE AGREEMENT TO REPAY THE COAL  
17 SEVERANCE TAX PERMANENT FUND FROM ANY AMOUNT RECOVERED IN  
18 THE LITIGATION; AMENDING SECTION 17-6-310, MCA; AND  
19 PROVIDING AN EFFECTIVE DATE."

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21 WHEREAS, the federal Comprehensive Environmental  
22 Response, Compensation, and Liability Act of 1980 authorizes  
23 the state, as trustee, to collect damages for state natural  
24 resources injured by the release of hazardous substances;  
25 and

1 WHEREAS, Chapter 711, Laws of 1985, as amended by  
2 Chapter 709, Laws of 1989, and Chapter 752, Laws of 1991,  
3 established the state proceedings for claims and actions for  
4 damages to natural resources from releases of hazardous  
5 substances, known as the Comprehensive Environmental Cleanup  
6 and Responsibility Act; and

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8 States District Court on December 22, 1983, against Atlantic  
9 Richfield Company for damages to natural resources in the  
10 Clark Fork River Basin; and

11 WHEREAS, a natural resource damage litigation program  
12 policy committee has been formed to oversee the litigation  
13 and the expenditure of the funds; and

14 WHEREAS, the court-ordered schedule requires the parties  
15 to complete discovery by September 27, 1994, and be prepared  
16 for trial in this matter by July 14, 1995.

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

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22 environmental sciences from the general COAL SEVERANCE TAX  
23 PERMANENT fund for fiscal years 1994 and 1995 an-interentity  
24 A loan in the amount of \$2,619,076, the proceeds of which  
25 are appropriated for the biennium ending June 30, 1995, for

1 the purpose of conducting the litigation and natural  
 2 resource damage claim against the atlantic richfield company  
 3 (ARCO). Repayment of this loan is extended through the end  
 4 of the 1995 biennium in accordance with 17-2-107. The  
 5 repayment must include interest on the amount loaned at a  
 6 rate commensurate with rates earned in the short-term  
 7 LONG-TERM investment pool.

8 NEW SECTION. Section 2. Natural resource damage  
 9 program reauthorization. (1) There is reauthorized  
 10 AUTHORIZED to the department of health and environmental  
 11 sciences from the general COAL SEVERANCE TAX PERMANENT fund  
 12 for fiscal years 1994 and 1995 an-interentity A loan that  
 13 was authorized for fiscal years 1992 and 1993 FROM THE  
 14 GENERAL FUND in the amount of \$4,928,894, for the purpose of  
 15 conducting the natural resource damage assessment and the  
 16 litigation of the natural resource damage claim against the  
 17 atlantic richfield company (ARCO). Repayment-of-this-loan-is  
 18 extended--through-the-end-of-the-1995-biennium-in-accordance  
 19 with-17-2-107--The-repayment-must-include--interest--on--the  
 20 amount--loaned--at--a-rate-commensurate-with-rates-earned-in  
 21 the-short-term-investment-pool, THERE IS ALSO AUTHORIZED TO  
 22 THE DEPARTMENT FOR FISCAL YEAR 1994 A LOAN FROM THE COAL  
 23 SEVERANCE TAX PERMANENT FUND IN THE AMOUNT OF \$246,135,  
 24 WHICH REPRESENTS THE INTEREST LOST BY THE GENERAL FUND  
 25 BECAUSE OF THE \$4,928,894 LOAN FOR FISCAL YEARS 1992 AND

1 1993.

2 (2) THE DEPARTMENT SHALL REPAY TO THE GENERAL FUND THE  
 3 AMOUNT OF \$4,928,894, PLUS INTEREST IN THE AMOUNT OF  
 4 \$246,135 THAT WAS LOST BY THE GENERAL FUND BECAUSE OF THE  
 5 LOAN, FROM THE PROCEEDS OF THE LOANS AUTHORIZED IN  
 6 SUBSECTION (1). THE REPAYMENT TO THE GENERAL FUND MUST BE  
 7 MADE UPON RECEIPT OF THE LOANS AUTHORIZED BY SUBSECTION (1).

8 NEW SECTION. Section 3. Loan authorization --  
 9 appropriation of loan proceeds. In addition to the  
 10 litigation listed in [sections 1 and 2], loan proceeds are  
 11 authorized for the purpose of conducting any other natural  
 12 resource damage assessment, litigation, or administration as  
 13 provided by Title 75, chapter 10, part 7.

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15 "17-6-310. Limits on direct loans. (1) Except as  
 16 provided in 20-9-466, [section 1], and [section 2], the  
 17 state may not use the portion of the permanent coal tax  
 18 trust fund designated for investment in the Montana economy  
 19 to make direct loans.

20 (2) Except as provided in 20-9-466, [section 1], and  
 21 [section 2], the permanent coal tax trust fund may not be  
 22 used by the board of investments to make direct loans to  
 23 individual borrowers. The purchase of debentures issued by a  
 24 capital company and loans or portions of loans originated by  
 25 a financial institution that are sold to the trust are not

1 direct loans."

2 NEW SECTION. SECTION 5. LOAN CONTRACT. IN ORDER TO  
 3 MAKE THE LOANS AUTHORIZED IN [SECTIONS 1 AND 2], THE BOARD  
 4 OF INVESTMENTS SHALL ENTER INTO AN IRREVOCABLE CONTRACT WITH  
 5 THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES PLEDGING  
 6 THE AMOUNT RECOVERED IN THE LITIGATION TO THE REPAYMENT OF  
 7 THE LOANS. THE CONTRACT MUST PROVIDE THAT LOAN REPAYMENTS  
 8 MUST BE DEPOSITED IN THE COAL SEVERANCE TAX PERMANENT FUND.  
 9 TO THE EXTENT POSSIBLE, THE BOARD SHALL MAKE THE LOANS FROM  
 10 THE PORTION OF THE COAL SEVERANCE TAX PERMANENT FUND  
 11 INVESTED IN THE SHORT-TERM INVESTMENT POOL. THE LOANS  
 12 AUTHORIZED IN [SECTIONS 1 AND 2] MAY NOT BE MADE UNTIL THE  
 13 CONTRACT REQUIRED BY THIS SECTION HAS BEEN ENTERED INTO BY  
 14 THE BOARD AND THE DEPARTMENT.

15 NEW SECTION. SECTION 6. THREE-FOURTHS VOTE. BECAUSE  
 16 [SECTION 3] APPROPRIATES MONEY FROM THE COAL SEVERANCE TAX  
 17 TRUST FUND, ARTICLE IX, SECTION 5, OF THE MONTANA  
 18 CONSTITUTION REQUIRES A VOTE OF THREE-FOURTHS OF THE MEMBERS  
 19 OF EACH HOUSE OF THE LEGISLATURE FOR PASSAGE.

20 NEW SECTION. SECTION 7. LEGISLATIVE OVERSIGHT. THE  
 21 SPEAKER OF THE HOUSE AND THE PRESIDENT OF THE SENATE SHALL  
 22 EACH APPOINT TWO MEMBERS OF THEIR RESPECTIVE BODIES, ONE  
 23 FROM EACH PARTY, TO MEET QUARTERLY FOR BRIEFINGS ON THE  
 24 PROGRESS OF THE MONTANA-ARCO LITIGATION AND NEGOTIATIONS.  
 25 THE COMMITTEE SHALL ALSO CONSIDER PLANS FOR APPROPRIATE

1 UTILIZATION OF ANY MONEY RECEIVED BY THE STATE AS A RESULT  
 2 OF THE LITIGATION. STAFF ASSISTANCE FOR THE COMMITTEE MUST  
 3 BE PROVIDED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL  
 4 SCIENCES. COMMITTEE EXPENSES MUST BE PAID FROM THE  
 5 APPROPRIATION IN [SECTION 1].

6 NEW SECTION. Section 8. Effective date. [This act] is  
 7 effective July 1, 1993.

-End-