## HOUSE BILL 480

Introduced by Harper, et al.

- 2/05 Introduced
- 2/05 Referred to Appropriations
- 2/05 First Reading
- 2/05 Fiscal Note Requested
- 2/09 Hearing
- 2/09 Fiscal Note Received
- 2/11 Fiscal Note Printed
- 2/18 Committee Report--Bill Passed as Amended
- 2/22 2nd Reading Do Pass Motion Failed
- 2/23 Motion Failed to Reconsider Previous Action and Place Back on 2nd Reading

LC 1081/01

LC 1081/01

INTRODUCED BY Theme Balance Schult 1 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING A PORTION OF RESOURCE INDEMNITY TRUST FUND REVENUE. ONCE THE S100 5 FUND BALANCE IS REACHED, FOR ACQUISITION AND MILLION 6 MAINTENANCE OF STATE PARKS: ESTABLISHING THE STATE PARKS 7 MAINTENANCE TRUST FUND; STATUTORILY APPROPRIATING TRUST FUND 8 INTEREST INCOME TO THE DEPARTMENT OF FISH, WILDLIFE, AND 9 PARKS FOR STATE PARKS ACQUISITION AND MAINTENANCE, SUBJECT 10 TO APPROVAL OF A LONG-RANGE COMPREHENSIVE PLAN FOR MONTANA 11 STATE PARKS; AMENDING SECTIONS 15-38-202 AND 17-7-502, MCA; 12 AND PROVIDING AN IMMEDIATE EPPECTIVE DATE." 13 14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15

Section 1. Section 15-38-202, MCA, is amended to read: 16 \*15-38-202. Investment of resource indemnity trust fund 17 -- expenditure -- minimum balance. (1) (a) All money paid 18 into the resource indemnity trust fund, including money 19 payable into the fund under the provisions of 15-37-117, 20 shall must be invested at the discretion of the board of 21 investments. All the net earnings accruing to the resource 22 indemnity trust fund shall must annually be added to the 23 trust fund until it has reached the sum of \$10 million. 24 Thereafter, only the net earnings may be appropriated and 25

expended until the fund reaches \$100 million. Thereafter,
 all net earnings and all receipts shall be appropriated by
 the legislature and expended, provided that the balance in
 the fund may never be less than \$100 million.

5 (b) In accordance with the legislative appropriative 6 authority set out in subsection (1)(a), after the fund 7 balance reaches \$100 million, 25% of all receipts are 8 allocated to the state parks maintenance trust fund 9 established in [section 2], to be used for state parks 10 acquisition and maintenance as provided in [section 3].

11 (2) (a) At the beginning of each biennium, there is
12 allocated from the interest income of the resource indemnity
13 trust fund:

14 (i) an amount not to exceed \$175,000 to the
15 environmental contingency account pursuant to the conditions
16 of 75-1-1101; and

17 (ii) beginning-in-fiscal--year--19927 an amount not to
18 exceed \$50,000 to the oil and gas production damage
19 mitigation account pursuant to the conditions of 82-11-161.

20 (b) The remainder of the interest income is allocated21 as follows:

(i) Beginning-in-fiscal-year-19827-provided-the--amount
 in-the--resource--indemnity--trust-fund-is-greater-than-\$10
 milliony An amount equal to 30% of the interest income of
 the resource indemnity trust fund must be allocated to the

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water development state special revenue account created by
 85-1-604.

3 (ii) Beginning--in--fiscal-year-1988, An amount equal to
4 12% of the interest income of the resource indemnity trust
5 fund must be allocated to the hazardous waste/CERCLA special
6 revenue account provided for in 75-10-621.

7 (iii) Beginning-in-fiscal-year-1990, An amount equal to
8 8% of the interest income from the resource indemnity trust
9 fund must be allocated to the renewable resource development
10 account provided for in Title 90, chapter 2.

(iv) Beginning--in-fiscal-year-19987 An amount equal to
 46% of the interest income from the resource indemnity trust
 fund must be allocated to the reclamation and development
 qrants account provided for in 90-2-1104.

(v) Beginning-in-fiscal-year-1990, An amount equal to
4% of the interest income of the resource indemnity trust
fund must be allocated to the environmental quality
protection fund provided for in 75-10-704.

19 (3) Any formal budget document prepared by the 20 legislature or the executive branch that proposes to 21 appropriate funds from the resource indemnity trust interest 22 account other than as provided for by the allocations in 23 subsection (2) must specify the amount of money from each 24 allocation that is proposed to be diverted and the proposed 25 use of the diverted funds. A formal budget document includes a printed and publicly distributed budget proposal or
 recommendation, an introduced bill, or a bill developed
 during the legislative appropriation process or otherwise
 during a legislative session."

5 <u>NEW SECTION.</u> Section 2. Creation of state parks 6 maintenance trust fund. There is a state parks maintenance 7 trust fund in the nonexpendable trust fund type. The state 8 parks maintenance trust fund must be credited with all money 9 received under 15-38-202(1)(b).

10 NEW SECTION. Section 3. Expenditure of state parks 11 maintenance trust fund interest -- comprehensive plan 12 required. (1) All money paid into the state parks 13 maintenance trust fund must be invested at the discretion of 14 the board of investments. Interest income from the state 15 parks maintenance trust fund is statutorily appropriated, as provided in 17-7-502, to the department of fish, wildlife, 16 17 and parks for expenditure as provided in subsection (2).

18 (2) The department of fish, wildlife, and parks shall 19 develop a long-range comprehensive plan for Montana's state 20 park system after soliciting statewide input and comments 21 from interested park users, sporting groups, and the general 22 public. The comprehensive plan is subject to approval by the 23 fish, wildlife, and parks commission. Funds from the state 24 parks maintenance trust fund may not be expended until a 25 long-range comprehensive plan is developed and approved.

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Once a comprehensive plan is approved, the department may
 expend the earnings from the state parks maintenance trust
 fund as follows:

4 (a) An amount necessary to address urgent state parks
 5 acquisition and maintenance may be expended.

6 (b) The remainder is to be expended in a timely and
7 appropriate manner in accordance with the long-range
8 comprehensive plan.

9 Section 4. Section 17-7-502, MCA, is amended to read: 10 "17-7-502. Statutory appropriations -- definition --11 requisites for validity. (1) A statutory appropriation is an 12 appropriation made by permanent law that authorizes spending 13 by a state agency without the need for a biennial 14 legislative appropriation or budget amendment.

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

18 (a) The law containing the statutory authority must be19 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.

23 (3) The following laws are the only laws containing
24 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
25 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;

1 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117: 2 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 3 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 4 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 5 19-11-606; 19-12-301; 19-13-604; 19-15-101; 6 20-4-109: 7 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; [section 8 3]; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 9 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204: 10 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 11 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 12 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103: 13 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 14 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

15 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, 16 17 and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of 18 19 Montana. Agencies that have entered into agreements 20 authorized by the laws of Montana to pay the state 21 treasurer, for deposit in accordance with 17-2-101 through 22 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the 23 24 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 25

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567, L. 1991, the inclusion of 19-6-709 terminates upon
 death of last recipient eligible for supplemental benefit;
 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
 22-3-811 terminates June 30, 1993.)"

5 <u>NEW SECTION.</u> Section 5. Codification instruction. 6 [Sections 2 and 3] are intended to be codified as an 7 integral part of Title 23, chapter 1, and the provisions of 8 Title 23, chapter 1, apply to [sections 2 and 3].

9 <u>NEW SECTION.</u> Section 6. Effective date. [This act] is
10 effective on passage and approval.

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# STATE OF MONTANA - FISCAL NOTE

## Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0480, as introduced.

#### DESCRIPTION OF PROPOSED LEGISLATION:

An act appropriating a portion of Resource Indemnity Trust Fund revenue, once the \$100 million fund balance is reached, for acquisition and maintenance of state parks; establishing the state parks maintenance trust fund; statutorily appropriating trust fund interest income to the Department of Fish, Wildlife, and Parks for state parks acquisition and maintenance, subject to approval of a long-range comprehensive plan for Montana state parks; and providing an immediate effective date.

#### ASSUMPTIONS:

- 1. The Resource Indemnity Trust Fund balance is \$90,604,00 at FYE94 and \$94,602,000 at FYE95 (OBPP).
- 2. The Department of Fish, Wildlife & Parks will develop a long-range comprehensive plan for Montana's state park system during the FY 94-95 biennium.

#### FISCAL IMPACT:

Because the Resource Indemnity Trust Fund will not reach the \$100 million balance during the FY94/FY95 biennium, there is no impact in the biennium.

### LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Given recent R.I.T.T. collections, approximately \$1.25 million per year would be deposited in the state parks acquisition and maintenance trust fund after the trust fund balance reaches \$100 million.

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

HAL HARPER. PRIMARY SPONSOR Fiscal Note for HB0480, as introduced

#### 53rd Legislature

HB 0480/02

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ON APPROP	RIA	TIONS

HOUSE BILL NO. 480 1 INTRODUCED BY HARPER, BARDANOUVE, SCHWINDEN 2 3 A BILL FOR AN ACT ENTITLED: ACT APPROPRIATING "AN 4 ALLOCATING A PORTION OF RESOURCE INDEMNITY TRUST FUND 5 REVENUE, ONCE THE \$100 MILLION FUND BALANCE IS REACHED, FOR 6 ACOUISITION AND MAINTENANCE OF STATE PARKS; ESTABLISHING THE 7 STATE PARKS MAINTENANCE TRUST FUND: STATUTORIBY 8 APPROPRIATING ALLOWING EXPENDITURE OF TRUST FUND INTEREST 9 INCOME TO BY THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS FOR 10 STATE PARKS ACQUISITION AND MAINTENANCE, SUBJECT TO APPROVAL 11 OF A LONG-RANGE COMPREHENSIVE PLAN FOR MONTANA STATE PARKS 12 AND TO LEGISLATIVE APPROPRIATION; AMENDING SECTION 13 15-38-202 AND-17-7-502, MCA; AND PROVIDING AN IMMEDIATE 14 EFFECTIVE DATE." 15 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 17 Section 1. Section 15-38-202, MCA, is amended to read: 18

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"15-38-202. Investment of resource indemnity trust fund
expenditure -- minimum balance. (i) (a) All money paid
into the resource indemnity trust fund, including money
payable into the fund under the provisions of 15-37-117,
shall must be invested at the discretion of the board of
investments. All the net earnings accruing to the resource
indemnity trust fund shall must annually be added to the

trust fund until it has reached the sum of \$10 million. 1 Thereafter, only the net earnings may be appropriated and 2 3 expended until the fund reaches \$100 million. Thereafter. 4 all net earnings and all receipts shall be appropriated by the legislature and expended, provided that the balance in 5 6 the fund may never be less than \$100 million. 7 (b) In accordance with the legislative appropriative 8 authority set out in subsection (1)(a), after the fund balance reaches \$100 million, 25% of all receipts are 9 10 allocated to the state parks maintenance trust fund 11 established in [section 2], to be used for state parks 12 acquisition and maintenance as provided in [section 3]. (2) (a) At the beginning of each biennium, there is 13 allocated from the interest income of the resource indemnity 14 trust fund: 15 16 (i) an amount not to exceed \$175,000 to the 17 environmental contingency account pursuant to the conditions 18 of 75-1-1101; and 19 (ii) beginning--in--fiscal--year--1992; an amount not to 20 exceed \$50,000 to the oil and gas production damage 21 mitigation account pursuant to the conditions of 82-11-161. 22 (b) The remainder of the interest income is allocated 2.3 as follows: (i) Beginning-in-fiscal-year-1982;-provided-the--amount 24 in--the--resource--indemnity--trust-fund-is-greater-than-\$10 25

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1 million; <u>An amount equal to</u> 30% of the interest income of 2 the resource indemnity trust fund must be allocated to the 3 water development state special revenue account created by 4 85-1-604.

5 (ii) Beginning-in-fiscal-year-19887 An amount equal to 6 12% of the interest income of the resource indemnity trust 7 fund must be allocated to the hazardous waste/CERCLA special 8 revenue account provided for in 75-10-621.

9 (iii) Beginning-in-fiscal-year-1990, An amount equal to 10 8% of the interest income from the resource indemnity trust 11 fund must be allocated to the renewable resource development 12 account provided for in Title 90, chapter 2.

13 (iv) Beginning--in-fiscal-year-1990, An amount equal to
14 46% of the interest income from the resource indemnity trust
15 fund must be allocated to the reclamation and development
16 grants account provided for in 90-2-1104.

(v) Beginning--in--fiscal-year-1990, An amount equal to
4% of the interest income of the resource indemnity trust
fund must be allocated to the environmental quality
protection fund provided for in 75-10-704.

(3) Any formal budget document prepared by the
legislature or the executive branch that proposes to
appropriate funds from the resource indemnity trust interest
account other than as provided for by the allocations in
subsection (2) must specify the amount of money from each

1 allocation that is proposed to be diverted and the proposed
2 use of the diverted funds. A formal budget document includes
3 a printed and publicly distributed budget proposal or
4 recommendation, an introduced bill, or a bill developed
5 during the legislative appropriation process or otherwise
6 during a legislative session."

7 <u>NEW SECTION.</u> Section 2. Creation of state parks 8 maintenance trust fund. There is a state parks maintenance 9 trust fund in the nonexpendable trust fund type. The state 10 parks maintenance trust fund must be credited with all money 11 received under 15-38-202(1)(b).

NEW SECTION. Section 3. Expenditure of state parks 12 13 maintenance trust fund interest -+ comprehensive plan 14 required. (1) All money paid into the state parks maintenance trust fund must be invested at the discretion of 15 the board of investments. Interest income from the state 16 17 parks maintenance trust fund is-statutorily-appropriatedy-as 18 provided--in--17-7-5027--to MUST BE USED, SUBJECT TO 19 LEGISLATIVE APPROPRIATION, BY the department of fish, wildlife, and parks for expenditure as 20 provided in 21 subsection (2).

(2) The department of fish, wildlife, and parks shall
develop a long-range comprehensive plan for Montana's state
park system after soliciting statewide input and comments
from interested park users, sporting groups, and the general

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public. The comprehensive plan is subject to approval by the fish, wildlife, and parks commission. Funds from the state parks maintenance trust fund may not be expended until a long-range comprehensive plan is developed and approved. Once a comprehensive plan is approved, the department may expend the earnings from the state parks maintenance trust fund, SUBJECT TO LEGISLATIVE APPROPRIATION, as follows:

B (a) An amount necessary to address urgent state parks
9 acquisition and maintenance may be expended.

10 (b) The remainder is to be expended in a timely and 11 appropriate manner in accordance with the long-range 12 comprehensive plan.

13 Section-4.--Section-17-7-5027-MEAT-is-amended-to-read:--14 "17-7-502T--Statutory-appropriations-----definition----15 requisites-for-validityT-(1)-A-statutory-appropriation-is-an 16 appropriation-made-by-permanent-law-that-authorizes-spending 17 by---a---state--agency--without--the--need--for--a--biennial 18 legislative-appropriation-or-budget-amendmentT 19 (2)--Except--as--provided--in--subsection--(4)7--to---be

20 effective7--a--statutory-appropriation-must-comply-with-both 21 of-the-following-provisions:

22 (a)--The-law-containing-the-statutory-authority-must--be 23 tisted-in-subsection-(3)-

24 (b)--The--law-or-portion-of-the-law-making-a-statutory
 25 appropriation--must--specifically-state--that--a--statutory

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1	appropriation-is-made-as-provided-in-this-section-
2	<del>(3)</del> The-following-laws-aretheonlylawscontaining
3	statutoryappropriations:2-9-202;2-17-105;2-18-012;
4	±0-3-203;-±0-3-3±2;-±0-3-3±4;-±0-4-30±;-±3-37-304;-±5-±-±±±;
5	±5-23-706;±5-25-±23;±5-3±-702;±5-36-±±2;±5-37-±±?;
6	£5-65-£2£;£5-70-£0£;£6-£~484;£6-£-4£0;£6-£-4££;
7	17-3-212;-17-5-404;-17-5-424;-17-5-704;-17-5-804;-17-6-409;
8	17-7-304;-19-5-404;-19-6-709;-19-8-504;-19-9-702;-19-9-1007;
9	19-10-205719-10-305719-10-506719-11-512719-11-5137
10	19-11-606+19-12-301+19-13-604+19-15-101+20-4-109+
11	20-6-4067-20-8-1117-20-9-3617-20-26-15037-22-3-8117 <u>[section</u>
12	<u>3};</u> 23-5-136;23-5-306;23-5-409;23-5-610;23-5-612;
13	23-5-631;23-7-301;23-7-402;27-12-206;37-43-204;
14	37-51-501;39-71~2504;44-12-206;44-13-102;5 <del>3-6-150;</del>
15	53-24-206;61-5-121;67-3-205;75-1-1101;75-5-507;
16	75-5-1108;75-11-313;76-12-123;77-1-808;80-2-103;
17	<del>00-11-310;02-11-136;02-11-161;05-1-220;90-3-301;</del>
18	90-4-215;-90-6-331;-90-7-220;-and-90-9-306-
19	<pre>t4)Thereisastatutoryappropriationtopay-the</pre>
20	principal;-interest;-premiums;-and-costs-of-issuing;-paying;
21	and-securing-all-bonds;-notes;-or-other-obligations;-as-due;
22	that-have-been-authorized-and-issued-pursuant-to-the-laws-of
23	MontanaAgenciesthathaveenteredintoagreements
24	authorizedbytheiswsofMontanatopaythestate
25	treasurery-tor-deposit-in-accordance-with17-2-101through

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1 17-2-1077--as--determined--by-the-state-treasurer7-an-amount 2 sufficient-to-pay-the-principal-and-interest-as-due-on--the bonds--or--notes--have-statutory-appropriation-authority-for 3 4 the-payments--fin-subsection--fit-pursuant-to--sec----77--Ch-5 5677--b---19917--the--inclusion--of-19-6-709-terminates-upon 6 death-of-last-recipient-eligible-for--supplemental--benefit; 7 and--pursuant-to-sec--187-Ch--7487-5--19917-the-inclusion-of 8 22-3-811-terminates-June-307-1993-14

9 <u>NEW SECTION.</u> Section 4. Codification instruction.
10 [Sections 2 and 3] are intended to be codified as an
11 integral part of Title 23, chapter 1, and the provisions of
12 Title 23, chapter 1, apply to [sections 2 and 3].

13 NEW SECTION. Section 5. Effective date. [This act] is

14 effective on passage and approval.

-End-

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