

HOUSE BILL NO. 666

INTRODUCED BY WANZENRIED
BY REQUEST OF THE JOINT SUBCOMMITTEE ON HUMAN SERVICES
AND AGING

IN THE HOUSE

MARCH 9, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 16, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 17, 1993	PRINTING REPORT.
MARCH 30, 1993	SECOND READING, DO PASS AS AMENDED.
MARCH 31, 1993	ENGROSSING REPORT.
APRIL 1, 1993	THIRD READING, PASSED. AYES, 83; NOES, 15.
	TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 2, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 14, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 15, 1993	SECOND READING, CONCURRED IN.
	ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING.
	THIRD READING, CONCURRED IN. AYES, 48; NOES, 1.
	RETURNED TO HOUSE.

IN THE HOUSE

APRIL 16, 1993	SENT TO ENROLLING.
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REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 666
 2 INTRODUCED BY UNANIMOUS
 3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON HUMAN SERVICES
 4 AND AGING.
 5
 6 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE
 7 STATUTORY APPROPRIATION FOR THE PETROLEUM TANK RELEASE
 8 CLEANUP FUND; AMENDING SECTIONS 17-7-502 AND 75-11-313, MCA;
 9 AND PROVIDING AN EFFECTIVE DATE."

10
 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: 2-9-202; 2-17-105; 2-18-812;
 3 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 4 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
 5 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
 6 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
 7 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
 8 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 9 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
 10 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
 11 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
 12 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
 13 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206;
 14 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108;
 15 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310;
 16 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215;
 17 90-6-331; 90-7-220; and 90-9-306.

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

sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 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.)"

Section 2. Section 75-11-313, MCA, is amended to read:

"75-11-313. Petroleum tank release cleanup fund. (1)

There is a petroleum tank release cleanup fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by the board ~~and is statutorily appropriated as provided in 17-7-502.~~

(2) There is deposited in the fund:

(a) all revenue from the petroleum storage tank cleanup fee as provided in 75-11-314;

(b) money received by the board in the form of gifts, grants, reimbursements, or appropriations, from any source, intended to be used for the purposes of this fund;

(c) money appropriated or advanced to the fund by the legislature; and

(d) all interest earned on money in the fund.

(3) The fund may be used only:

(a) to administer this part, including payment of board and department expenses associated with administration;

(b) to reimburse owners and operators for eligible costs caused by a release from a petroleum storage tank and approved by the board; and

(c) for repayment of any advance made under subsection (4), plus interest earned on the advance.

(4) (a) The legislature may appropriate to the fund repayable advances as necessary to carry out the purposes of this part. The outstanding total of repayable advances may not exceed the amount the board estimates will be received by the fund from the petroleum storage tank cleanup fee during the next 24 months.

(b) Advances to the fund must be repaid and interest earned on advances must be paid to the general fund when determined appropriate by the board. However, all advances to the fund plus the interest earned must be repaid on or before December 31, 1995."

NEW SECTION. **Section 3.** Effective date. [This act] is 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 HB0666, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

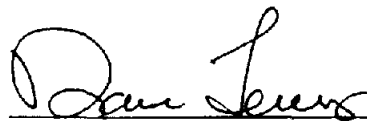
An act eliminating the statutory appropriation for the Petroleum Tank Release Cleanup Fund; amending sections 17-7-502 and 75-11-313, MCA; and providing an effective date.

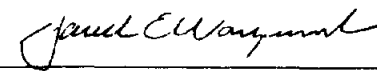
ASSUMPTIONS:

1. There will be no fiscal impact on DHES if this bill passes, due to language and an appropriation in HB0002.
2. Not authorizing statutory appropriations for operating budgets is consistent with executive and legislative policy adopted in prior sessions.

FISCAL IMPACT:

None

 3-10-93
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 3-10-93
David E Wanzanried, PRIMARY SPONSOR DATE
Fiscal Note for HB0666, as introduced
HB 666

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 666

INTRODUCED BY WANZENRIED

BY REQUEST OF THE JOINT SUBCOMMITTEE ON HUMAN SERVICES
AND AGING

A BILL FOR AN ACT ENTITLED: "AN ACT ~~ELIMINATING~~ REVISING
THE STATUTORY APPROPRIATION FOR THE PETROLEUM TANK RELEASE
CLEANUP FUND; AMENDING SECTIONS--17-7-502--AND SECTION
75-11-313, MCA; AND PROVIDING AN 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,--2-18-012,
10-3-203,--10-3-312,--10-3-314,--10-4-301,--13-37-304,--15-1-111,
15-23-706,--15-25-123,--15-31-702,--15-36-112,--15-37-117,
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,
17-7-304,--19-5-404,--19-6-709,--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,--19-15-101,--20-4-109,
20-6-406,--20-8-111,--20-9-361,--20-26-1503,--22-3-011,
23-5-136,--23-5-306,--23-5-409,--23-5-610,--23-5-612,--23-5-631,
23-7-301,--23-7-402,--27-12-206,--37-43-204,--37-51-501,
39-71-2504,--44-12-206,--44-13-102,--53-6-150,--53-24-206,
61-5-121,--67-3-205,--75-1-1101,--75-5-507,--75-5-1100,
75-11-313,--76-12-123,--77-1-808,--80-2-103,--80-11-310,
82-11-136,--82-11-161,--85-1-220,--90-3-301,--90-4-215,
90-6-331,--90-7-220,--and--90-9-306-

(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 bonds or notes have statutory appropriation authority for the payments (in subsection (3)) pursuant to sec. 7, Ch. 567, B. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit, and pursuant to sec. 18, Ch. 748, B. 1991, the inclusion of 22-3-011 terminates June 30, 1993.]~~"

Section 1. Section 75-11-313, MCA, is amended to read:

"75-11-313. Petroleum tank release cleanup fund. (1)

There is a petroleum tank release cleanup fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by the board AND IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, FOR THE PURPOSES PROVIDED FOR UNDER SUBSECTIONS (3)(B) AND (3)(C). ADMINISTRATIVE COSTS UNDER SUBSECTION (3)(A) MUST BE PAID PURSUANT TO A LEGISLATIVE APPROPRIATION ~~and is statutorily appropriated as provided in 17-7-502.~~

(2) There is deposited in the fund:

(a) all revenue from the petroleum storage tank cleanup fee as provided in 75-11-314;

(b) money received by the board in the form of gifts, grants, reimbursements, or appropriations, from any source, intended to be used for the purposes of this fund;

(c) money appropriated or advanced to the fund by the legislature; and

(d) all interest earned on money in the fund.

(3) The fund may be used only:

(a) to administer this part, including payment of board and department expenses associated with administration;

(b) to reimburse owners and operators for eligible costs caused by a release from a petroleum storage tank and approved by the board; and

(c) for repayment of any advance made under subsection (4), plus interest earned on the advance.

(4) (a) The legislature may appropriate to the fund repayable advances as necessary to carry out the purposes of this part. The outstanding total of repayable advances may not exceed the amount the board estimates will be received by the fund from the petroleum storage tank cleanup fee during the next 24 months.

(b) Advances to the fund must be repaid and interest earned on advances must be paid to the general fund when determined appropriate by the board. However, all advances to the fund plus the interest earned must be repaid on or before December 31, 1995."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1993.

-End-

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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, 2-18-012,
10-3-203, 10-3-312, 10-3-314, 10-4-301, 13-37-304, 15-1-111,
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(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 bonds or notes have statutory appropriation authority for the payments; (in subsection (3) pursuant to sec. 7, Ch. 567, by 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit, and pursuant to sec. 18, Ch. 740, by 1991, the inclusion of 22-3-811 terminates June 30, 1993.)~~

Section 1. Section 75-11-313, MCA, is amended to read:

"75-11-313. Petroleum tank release cleanup fund. (1) There is a petroleum tank release cleanup fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by the board AND IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, FOR THE PURPOSES PROVIDED FOR UNDER SUBSECTIONS (3)(B) AND (3)(C). ADMINISTRATIVE COSTS UNDER SUBSECTION (3)(A) MUST BE PAID PURSUANT TO A LEGISLATIVE APPROPRIATION ~~and is statutorily appropriated as provided in 17-7-502.~~

(2) There is deposited in the fund;

(a) all revenue from the petroleum storage tank cleanup fee as provided in 75-11-314;

(b) money received by the board in the form of gifts, grants, reimbursements, or appropriations, from any source, intended to be used for the purposes of this fund;

(c) money appropriated or advanced to the fund by the legislature; and

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(c) for repayment of any advance made under subsection (4), plus interest earned on the advance.

(4) (a) The legislature may appropriate to the fund repayable advances as necessary to carry out the purposes of this part. The outstanding total of repayable advances may not exceed the amount the board estimates will be received by the fund from the petroleum storage tank cleanup fee during the next 24 months.

(b) Advances to the fund must be repaid and interest earned on advances must be paid to the general fund when determined appropriate by the board. However, all advances to the fund plus the interest earned must be repaid on or before December 31, 1995."

NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1993 ~~1995~~ 1993.

-End-

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~~(3) The following laws are the only laws containing
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and securing all bonds, notes, or other obligations, as due,
that have been authorized and issued pursuant to the laws of
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sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payment; (In subsection (3), pursuant to sec. 7, Ch. 567, as of 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit, and pursuant to sec. 187, Ch. 748, as of 1991, the inclusion of 22-3-011 terminates June 30, 1993.)"

Section 1. Section 75-11-313, MCA, is amended to read:

"75-11-313. Petroleum tank release cleanup fund. (1) There is a petroleum tank release cleanup fund in the state special revenue fund established in 17-2-102. The fund is administered as a revolving fund by the board AND IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, FOR THE PURPOSES PROVIDED FOR UNDER SUBSECTIONS (3)(B) AND (3)(C). ADMINISTRATIVE COSTS UNDER SUBSECTION (3)(A) MUST BE PAID PURSUANT TO A LEGISLATIVE APPROPRIATION and is statutorily appropriated as provided in 17-7-502.

(2) There is deposited in the fund:

(a) all revenue from the petroleum storage tank cleanup fee as provided in 75-11-314;

(b) money received by the board in the form of gifts, grants, reimbursements, or appropriations, from any source, intended to be used for the purposes of this fund;

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NEW SECTION. **Section 2.** Effective date. [This act] is effective July 1, 1993 1995 1993.

-End-