

1 HOUSE BILL NO. 10

2 INTRODUCED BY BERGSAGEL

3 BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING OIL OVERCHARGE MONEY FOR PROGRAMS
6 ADMINISTERED BY THE STATE; AND PROVIDING AN EFFECTIVE DATE."7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:9
10 NEW SECTION. **Section 1. Policy.** [Sections 1 through 8] implement the policy stated in
11 90-4-210.12
13 NEW SECTION. **Section 2. Definitions.** As used in [sections 1 through 8], the following definitions
14 apply:15 (1) "Amoco payments" means the oil overcharge payments made to the U.S. treasury for
16 distribution to the state of Montana pursuant to the decision and order of the U.S. department of energy
17 in Case No. HQF-0588 and includes any interest accrued on the payments.18 (2) "Carryover" means unspent oil overcharge funds previously appropriated and incorporated into
19 an approved program plan for one of the federal energy conservation programs, but not included in unspent
20 project funds as defined in subsection (9).21 (3) "Cities service payments" means the oil overcharge payments made to the U.S. treasury for
22 distribution to the state of Montana pursuant to the consent agreement between cities service oil and gas
23 and the U.S. department of energy, as affirmed by the federal energy regulatory commission, and includes
24 any interest accrued on the payments.25 (4) "Diamond shamrock payments" means the oil overcharge payments made to the U.S. treasury
26 for distribution to the state of Montana as the result of the final settlement agreement in the U.S. district
27 court for the southern district of Ohio eastern division in Civil Action No. C2-84-1432 and includes any
28 interest accrued on the payments.29 (5) "Exxon payments" means the oil overcharge payments made by the Exxon corporation to the
30 U.S. treasury for distribution to the state of Montana pursuant to the order of the U.S. district court for the

1 District of Columbia in Civil Action No. 78-1035 and includes any interest accrued on the payments.

2 (6) "Getty oil payments" means the oil overcharge payments made to the U.S. treasury for
3 distribution to the state of Montana pursuant to the order of disbursement issued in Civil Action No. 77-347
4 (MMS) in the U.S. district court for the district of Delaware and includes any interest accrued on the
5 payments.

6 (7) "Stripper well payments" means the oil overcharge payments made to the U.S. treasury for
7 distribution to the state of Montana as the result of the final settlement agreement in the U.S. district court
8 for the district of Kansas, Cause No. M.D.L. 378, and includes any interest accrued on the payments. The
9 term also includes but is not limited to cities service payments, as defined in subsection (3), Getty oil
10 payments, as defined in subsection (6), texaco payments, as defined in subsection (8), and any unspent
11 project funds, as defined in subsection (9).

12 (8) "Texaco payments" means the oil overcharge payments made to the U.S. treasury for
13 distribution to the state of Montana pursuant to the texaco final consent order, 53 Fed. Reg. 32929,
14 August 29, 1988, and includes any interest accrued on the payments.

15 (9) "Unspent project funds" means stripper well payments that were not expended or otherwise
16 legally obligated during the 1995 biennium but that were appropriated for the 1995 biennium in Chapter
17 496, Laws of 1993, in:

18 (a) section 5 (1);

19 (b) section 6;

20 (c) section 7;

21 (d) section 8; and

22 (e) section 9.

23 (10) "Warner payments" means the oil overcharge payments made to the U.S. treasury for
24 distribution to the state of Montana pursuant to the Warner amendment (section 155 of P.L. 97-377) and
25 includes any interest accrued on the payments.

26

27 **NEW SECTION. Section 3. Deposit of oil overcharge revenue.** All funds from stripper well, amoco,
28 Warner, and exxon payments must be deposited by the state treasurer in the federal special revenue fund.
29 All interest earned on any of these funds or payments must also be deposited in the federal special revenue
30 fund.

1 **NEW SECTION. Section 4. Matching funds for low-income energy assistance -- appropriation.** (1)

2 There is appropriated \$50,000 from the stripper well payments contained in the federal special revenue
3 fund to the department of social and rehabilitation services for the purpose described in subsection (2).

4 (2) The department of social and rehabilitation services shall match private contributions to energy
5 share, inc., to be used to assist persons not eligible for federal low-income energy assistance whose income
6 is less than 150% of the federal poverty threshold published by the U.S. bureau of the census in the most
7 recent edition of its publication, Poverty in the United States. All of the funds appropriated to the
8 department for this purpose under subsection (1) must be used for clients' fuel bills or other energy needs.

9
10 **NEW SECTION. Section 5. Institutional conservation program -- appropriation.** There is

11 appropriated \$200,000 from the stripper well payments contained in the federal special revenue fund to
12 the department of natural resources and conservation to fund the institutional conservation program for
13 schools and hospitals administered by the department pursuant to 10 CFR 455.

14
15 **NEW SECTION. Section 6. Carryover -- reappropriations.** (1) There is reappropriated \$20,000 from

16 the stripper well payments, \$5,000 from the Exxon payments, \$60,000 from the diamond shamrock
17 payments, and \$1,500 from the Amoco payments contained in the federal special revenue fund to the
18 department of natural resources and conservation to fund the state energy conservation program
19 administered by the department pursuant to 10 CFR 420.

20 (2) There is reappropriated \$100,000 from the stripper well payments, \$5,000 from the Exxon
21 payments, and \$800 from the Warner payments contained in the federal special revenue fund to the
22 department of natural resources and conservation to fund the institutional conservation program for schools
23 and hospitals administered by the department pursuant to 10 CFR 455.

24
25 **NEW SECTION. Section 7. Conditions applied to appropriations.** The appropriations made in
26 [sections 4 through 6] are biennial appropriations.

27 (1) One-half of the total amount appropriated to each program in [sections 4 and 5] is appropriated
28 in fiscal year 1996, and the remainder is appropriated in fiscal year 1997. As biennial appropriations, the
29 unexpended funds appropriated in fiscal year 1996 may be carried forward within each program to fiscal
30 year 1997.

1 (2) The appropriations in [section 6] are limited to available funds. Expenditures of carryover funds
2 may not exceed the actual amount of unspent funds available.

3

4 **NEW SECTION. Section 8. Appropriations prioritized.** (1) The appropriation in [section 4] is given
5 a higher priority than the appropriation in [section 5]. If the U.S. department of energy does not approve
6 the program that is funded by [section 4], any stripper well payments that are not used to fund the higher
7 priority program must be provided to the lower ranked program up to the amounts appropriated in [sections
8 1 through 7].

9 (2) If stripper well payments are insufficient to fully fund the appropriations made in [sections 1
10 through 7], allocations to the lowest ranking program must be reduced until the deficiency is eliminated.
11 If the deficiency is in excess of the appropriation to the lowest ranking program, the next lowest ranking
12 program must have its appropriation reduced until the deficiency is eliminated. These priorities must be
13 applied to one-half of the total amount appropriated in [sections 4 and 5] for fiscal year 1996 and to the
14 remaining appropriation for fiscal year 1997.

15 (3) In order to provide continuity for the programs when establishing the appropriations for each
16 fiscal year of the 1997 biennium, anticipated stripper well payments that will be received under terms of
17 the stripper well agreements during the biennium may be considered as available to fund the activities.

18 (4) The expenditure of money appropriated by [sections 4 and 5] may not exceed the amount of
19 the stripper well payments available in the biennium.

20

21 **NEW SECTION. Section 9. Coordination instruction.** If House Bill No. 12 is passed and approved,
22 the stripper well payments appropriated in House Bill No. 12 have a higher priority than any appropriation
23 of stripper well payments in [sections 4 and 5].

24

25 **NEW SECTION. Section 10. Effective date.** [This act] is effective July 1, 1995.

26

-END-

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2 (6) "Getty oil payments" means the oil overcharge payments made to the U.S. treasury for
3 distribution to the state of Montana pursuant to the order of disbursement issued in Civil Action No. 77-347
4 (MMS) in the U.S. district court for the district of Delaware and includes any interest accrued on the
5 payments.

6 (7) "Stripper well payments" means the oil overcharge payments made to the U.S. treasury for
7 distribution to the state of Montana as the result of the final settlement agreement in the U.S. district court
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11 project funds, as defined in subsection (9).

12 (8) "Texaco payments" means the oil overcharge payments made to the U.S. treasury for
13 distribution to the state of Montana pursuant to the texaco final consent order, 53 Fed. Reg. 32929,
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24 distribution to the state of Montana pursuant to the Warner amendment (section 155 of P.L. 97-377) and
25 includes any interest accrued on the payments.

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27 **NEW SECTION. Section 3. Deposit of oil overcharge revenue.** All funds from stripper well, amoco,
28 Warner, and exxon payments must be deposited by the state treasurer in the federal special revenue fund.
29 All interest earned on any of these funds or payments must also be deposited in the federal special revenue
30 fund.

1 **NEW SECTION. Section 4. Matching funds for low-income energy assistance -- appropriation.** (1)

2 There is appropriated \$50,000 from the stripper well payments contained in the federal special revenue
3 fund to the department of social and rehabilitation services for the purpose described in subsection (2).

4 (2) The department of social and rehabilitation services shall match private contributions to energy
5 share, inc., to be used to assist persons not eligible for federal low-income energy assistance whose income
6 is less than 150% of the federal poverty threshold published by the U.S. bureau of the census in the most
7 recent edition of its publication, Poverty in the United States. All of the funds appropriated to the
8 department for this purpose under subsection (1) must be used for clients' fuel bills or other energy needs.

9
10 **NEW SECTION. SECTION 5. PETROLEUM SUBSTITUTES FROM AGRICULTURAL PRODUCTS --**

11 **APPROPRIATION. THERE IS APPROPRIATED \$10,000 FROM THE STRIPPER WELL PAYMENTS**
12 **CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND TO THE DEPARTMENT OF NATURAL RESOURCES**
13 **AND CONSERVATION TO FOSTER EXPANDED USE OF ALTERNATIVE TRANSPORTATION FUELS DERIVED**
14 **FROM AGRICULTURAL PRODUCTS THAT MAY REDUCE PETROLEUM CONSUMPTION, PRODUCE**
15 **ENVIRONMENTAL BENEFITS TO MONTANA, AND RESULT IN POTENTIAL NEW CASH CROPS FOR**
16 **MONTANA FARMERS. MONEY EXPENDED UNDER THIS APPROPRIATION MUST BE MATCHED AT LEAST**
17 **DOLLAR FOR DOLLAR WITH PRIVATE OR FEDERAL REVENUE, OR BOTH.**

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19 **NEW SECTION. Section 6. Institutional conservation program -- appropriation.** There is

20 appropriated \$200,000 from the stripper well payments contained in the federal special revenue fund to
21 the department of natural resources and conservation to fund the institutional conservation program for
22 schools and hospitals administered by the department pursuant to 10 CFR 455.

23
24 **NEW SECTION. SECTION 7. NORTHERN MONTANA COLLEGE TRACTOR RESOURCE CENTER**

25 **-- APPROPRIATION. THERE IS APPROPRIATED \$125,000 FROM THE STRIPPER WELL PAYMENTS**
26 **CONTAINED IN THE FEDERAL SPECIAL REVENUE FUND TO NORTHERN MONTANA COLLEGE TO**
27 **SUPPORT THE ONGOING ACTIVITIES OF THE NORTHERN MONTANA COLLEGE TRACTOR RESOURCE**
28 **CENTER.**

1 NEW SECTION. Section 8. Carryover -- reappropriations. (1) There is reappropriated \$20,000 from
 2 the stripper well payments, \$5,000 from the Exxon payments, \$60,000 from the diamond shamrock
 3 payments, and \$1,500 from the Amoco payments contained in the federal special revenue fund to the
 4 department of natural resources and conservation to fund the state energy conservation program
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 8 department of natural resources and conservation to fund the institutional conservation program for schools
 9 and hospitals administered by the department pursuant to 10 CFR 455.

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11 NEW SECTION. Section 9. Conditions applied to appropriations. The appropriations made in
 12 [sections 4 through ~~6~~ 8] are biennial appropriations.

13 (1) One-half of the total amount appropriated to each program in [sections 4 ~~and 5~~ THROUGH 7]
 14 is appropriated in fiscal year 1996, and the remainder is appropriated in fiscal year 1997. As biennial
 15 appropriations, the unexpended funds appropriated in fiscal year 1996 may be carried forward within each
 16 program to fiscal year 1997.

17 (2) The appropriations in [section ~~6~~ 8] are limited to available funds. Expenditures of carryover
 18 funds may not exceed the actual amount of unspent funds available.

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20 NEW SECTION. Section 10. Appropriations prioritized. (1) ~~The appropriation in [section 4] is given~~
 21 ~~a higher priority than the appropriation in [section 5].~~ THE APPROPRIATIONS IN [SECTIONS 4 THROUGH
 22 7] ARE APPROVED IN ORDER OF PRIORITY AS THEY APPEAR IN [SECTIONS 4 THROUGH 7]. If the U.S.
 23 department of energy does not approve ~~the program that is funded by [section 4]~~ ONE OR MORE OF THE
 24 PROGRAMS THAT ARE FUNDED BY [SECTIONS 4 THROUGH 7], any stripper well payments that are not
 25 used to fund the higher priority program must be provided to the lower ranked program up to the amounts
 26 appropriated in [sections ~~4~~ through 7].

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7 amount of the stripper well payments available in the biennium.

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9 NEW SECTION. Section 11. Coordination instruction. If House Bill No. 12 is passed and approved,
10 the stripper well payments appropriated in House Bill No. 12 have a higher priority than any appropriation
11 of stripper well payments in [sections 4 ~~and 5~~ THROUGH 7].

12

13 NEW SECTION. Section 12. Effective date. [This act] is effective July 1, 1995.

14 -END-

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THERE ARE NO CHANGES IN THIS BILL
AND WILL NOT BE REPRINTED. PLEASE
REFER TO YELLOW COPY FOR COMPLETE TEXT.

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