

INTRODUCED BY

House BILL NO. 352

4 A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE CONSTITUTIONAL REQUIREMENT FOR
5 STRICT ACCOUNTABILITY FOR REVENUE RECEIVED AND SPENT BY THE STATE BY PROHIBITING UNITS
6 OF THE UNIVERSITY SYSTEM FROM TRANSFERRING CERTAIN FUNDS OR PROPERTY TO A NONPROFIT
7 CORPORATION OR FOUNDATION ESTABLISHED FOR THE BENEFIT OF A UNIT OF THE UNIVERSITY
8 SYSTEM; AND PROVIDING AN EFFECTIVE DATE."

9

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

11

12 **NEW SECTION.** **Section 1. Prohibition on transfer to foundation.** In order to implement the
13 provisions of Article VIII, section 12, of the Montana constitution, the following may not be transferred to
14 a nonprofit corporation or foundation established for the benefit of a unit of the university system:

15 (1) money in the higher education funds provided for in 17-2-102;

16 (2) excess proceeds of money borrowed pursuant to 20-25-402; and

(3) real or personal property acquired with money listed in subsection (1) or proceeds listed in subsection (2).

19

20 **NEW SECTION.** **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
21 integral part of Title 20, chapter 25, part 3, and the provisions of Title 20, chapter 25, part 3, apply to
22 [section 1].

23

24 **NEW SECTION.** **Section 3. Effective date.** [This act] is effective July 1, 1995.

25

-END-



Montana Legislative Council

HB 352
INTRODUCED BILL

1

HOUSE BILL NO. 352

2

INTRODUCED BY PECK, SWYSGOOD, KITZENBERG

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8 SYSTEM; AND PROVIDING AN EFFECTIVE DATE."

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

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12 **NEW SECTION.** **Section 1. Prohibition on transfer to foundation.** In order to implement the
13 provisions of Article VIII, section 12, of the Montana constitution, **OWNERSHIP OF** the following may not
14 be transferred to a nonprofit corporation or foundation established for the benefit of a unit of the university
15 system **UNLESS FULL VALUE IS RECEIVED FOR THE TRANSFER:**

16 (1) money in the higher education funds provided for in 17-2-102;
17 (2) excess proceeds of money borrowed pursuant to 20-25-402; and
18 (3) real or personal property acquired with money listed in subsection (1) or proceeds listed in
19 subsection (2).

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21 **NEW SECTION.** **Section 2. Codification instruction.** [Section 1] is intended to be codified as an
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23 [section 1].

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13 provisions of Article VIII, section 12, of the Montana constitution, OWNERSHIP OF the following may not
14 be transferred to a nonprofit corporation or foundation established for the benefit of a unit of the university
15 system UNLESS FULL MARKET VALUE IS RECEIVED FOR THE TRANSFER:

16 (1) money in the higher education funds provided for in 17-2-102;

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-END-



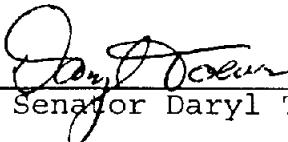
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 16, 1995

MR. PRESIDENT:

We, your committee on Education and Cultural Resources having had under consideration HB 352 (third reading copy -- blue), respectfully report that HB 352 be amended as follows and as so amended be concurred in.

Signed:


Senator Daryl Toews, Chair

That such amendments read:

1. Title, line 8.

Following: "SYSTEM"

Insert: "UNLESS CERTAIN CONDITIONS ARE MET"

2. Page 1, line 15.

Following: "TRANSFER"

Insert: "and laws applicable to the disposition of property are followed"

-END-


Amd. Coord.
Sec. of Senate

Sen. Charles "Chuck" Swygard
Senator Carrying Bill

HB 352
SENATE
611008SC.SPV

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14 be transferred to a nonprofit corporation or foundation established for the benefit of a unit of the university
15 system UNLESS FULL MARKET VALUE IS RECEIVED FOR THE TRANSFER AND LAWS APPLICABLE TO
16 THE DISPOSITION OF PROPERTY ARE FOLLOWED:

17

- (1) money in the higher education funds provided for in 17-2-102;
- (2) excess proceeds of money borrowed pursuant to 20-25-402; and
- (3) real or personal property acquired with money listed in subsection (1) or proceeds listed in
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