

1
2 INTRODUCED BY Peck Swingswood, Kitzberger House BILL NO. 352/
3

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
17 (3) real or personal property acquired with money listed in subsection (1) or proceeds listed in
18 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-

APPROVED BY COM ON EDUCATION
AND CULTURAL RESOURCES

1 HOUSE BILL NO. 352

2 INTRODUCED BY PECK, SWYSGOOD, KITZENBERG

3
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, 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).

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

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

26 -END-

1 HOUSE BILL NO. 352

2 INTRODUCED BY PECK, SWYSGOOD, KITZENBERG

3
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, 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;

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).

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

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

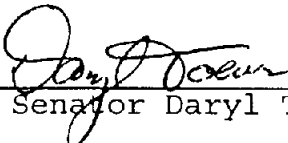
26 -END-

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-


SR

Amd. Coord.
Sec. of Senate

Sen. Charles "Check" Swygrod
Senator Carrying Bill

HB 352
SENATE
611008SC.SPV

1 HOUSE BILL NO. 352

2 INTRODUCED BY PECK, SWYSGOOD, KITZENBERG

3
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 UNLESS CERTAIN CONDITIONS ARE MET; 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, 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 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;
18 (2) excess proceeds of money borrowed pursuant to 20-25-402; and
19 (3) real or personal property acquired with money listed in subsection (1) or proceeds listed in
20 subsection (2).

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

25
26 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 1995.

27 -END-