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INTRODUCED BY Buck SENATE BILL NO. 265 Opp

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A TALKING BOOK EXPENDABLE TRUST TO BE USED FOR PROVIDING LIBRARY SERVICE TO MONTANANS WHO, BECAUSE OF DISABILITY, CANNOT READ STANDARD PRINT; PROVIDING THAT DONATIONS TO THE MONTANA STATE LIBRARY IN EXCESS OF \$250 BE USED TO FUND THE TRUST; PROVIDING AN EXCEPTION TO THE REQUIREMENT THAT NONGENERAL FUND MONEY BE EXPENDED PRIOR TO GENERAL FUND MONEY; AMENDING SECTIONS 17-2-108 AND 22-1-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Talking book trust -- interest retention.** (1) There is an account in the fiduciary fund category expendable trust fund type to be known as the Montana state library talking book trust, to be used as provided in [section 2].

(2) Interest and earnings of the account must be retained by the account.

NEW SECTION. **Section 2. Use of talking book trust.** (1) The principal of the Montana state library talking book trust established in [section 1] is intended to be an expendable trust subject to investment by the board of investments in accordance with investment principles established for the investment of state funds in Title 17, chapter 6, part 2.

(2) Unless otherwise provided by the donor, donations of \$250 or more received pursuant to 22-1-103 must be placed in the talking book trust.

(3) Interest earned on the principal of the talking book trust may be used for providing library service to Montanans who, because of disability, cannot read standard print.

(4) Revenue that is not expended on the service authorized in subsection (3) and that is not expended at the end of each fiscal year remains in the talking book trust for investment as provided in subsection (1).

(5) The provisions of 17-2-108 that require the expenditure of nongeneral fund money prior to the expenditure of general fund money do not apply to the expenditure of revenue made available to the library

1 from the talking book trust.

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3 **Section 3.** Section 17-2-108, MCA, is amended to read:

4 **"17-2-108. Expenditure of nongeneral fund money first.** (1) Except for the ~~exemption~~ exemptions
5 applicable to the Montana historical society in 22-3-114(5) and the Montana state library in [section 2(5)],
6 an office or entity of the executive, legislative, or judicial branch of state government shall apply
7 expenditures against appropriated nongeneral fund money whenever possible before using general fund
8 appropriations.

9 (2) The approving authority, as defined in 17-7-102, shall authorize the decrease of the general
10 fund appropriation of an agency by the amount of money received from federal sources in excess of the
11 appropriation in an appropriation act unless the decrease is contrary to federal law, federal rule, or a
12 contract or unless the approving authority certifies that the services to be funded by the additional money
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18 agency received the general fund appropriation. If the general fund appropriation of an agency is decreased
19 pursuant to this section, the appropriation for the fund in which the money is received is increased in the
20 amount of the general fund decrease."

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22 **Section 4.** Section 22-1-103, MCA, is amended to read:

23 **"22-1-103. State library commission -- authority.** The state library commission ~~shall have~~ has the
24 power to:

25 (1) give assistance and advice to all tax-supported or public libraries in the state and to all counties,
26 cities, towns, or regions in the state ~~which~~ that may propose to establish libraries, as to the best means
27 of establishing and improving ~~such~~ those libraries;

28 (2) maintain and operate the state library and make provision for its housing;

29 (3)(a) accept and expend in accordance with the terms ~~thereof~~ of a grant any grant of federal funds
30 ~~which~~ that may become available to the state for library purposes;

1 (b) accept, receive, and administer any gifts, donations, bequests, and legacies made to the
2 Montana state library. Unless otherwise provided by the donor, gifts, donations, bequests, and legacies
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5 distribution, and lending of books and materials;

6 (5) serve as the agency of the state to accept and administer any state, federal, or private funds
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14 (9) designate areas for the establishment of federations of libraries and designate the headquarters
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17 **NEW SECTION. Section 5. Codification instruction.** [Sections 1 and 2] are intended to be codified
18 as an integral part of Title 22, chapter 1, and the provisions of Title 22, chapter 1, apply to [sections 1 and
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21 **NEW SECTION. Section 6. Effective date.** [This act] is effective July 1, 1995.

22 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0265, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill to establish a talking book expendable trust, providing that individual donations to the Montana State Library in excess of \$250 be used to fund the trust and providing an exception to the requirement that nongeneral fund money be expended prior to general fund money.

ASSUMPTIONS:

1. The expendable trust would be established effective July 1, 1995.
2. In current law, all donations/bequests are deposited in a state special revenue account and are used only for the benefit of the Talking Book Library.
3. In the new proposal, donations/bequests of less than \$250 would continue to go into the state special revenue account, estimated at \$5,000 each year of the 1997 biennium.
4. The donations/bequests in excess of \$250 would be deposited into a new expendable trust account and invested by the Board of Investments in a STIP account at an estimated interest rate of 5.34%. The estimated revenue is approximately \$3,500 in FY96 and \$7,000 in FY97.
5. Large bequests are not known until they are received. The Talking Book Library has received one large bequest of \$70,674 in the last four years.

FISCAL IMPACT:

Revenues:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
State Special Revenue (02)	5,000	5,000
Expandable Trust Fund (08)	3,692	7,383

Dave Lewis 1-31-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Sen Tom Beck 2-1-95
 TOM BECK, PRIMARY SPONSOR DATE

1 INTRODUCED BY Buck SENATE BILL NO. 265
2 Opp
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23 22-1-103 must be placed in the talking book trust.

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28 (2) maintain and operate the state library and make provision for its housing;

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30 ~~which~~ that may become available to the state for library purposes;

1 **(b) accept, receive, and administer any gifts, donations, bequests, and legacies made to the**
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3 **in the amount of \$250 or more must be deposited in the talking book trust established in [section 1].**

4 (4) make rules and establish standards for the administration of the state library and for the control,
5 distribution, and lending of books and materials;

6 (5) serve as the agency of the state to accept and administer any state, federal, or private funds
7 or property appropriated for or granted to it for library service or foster libraries in the state and establish
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NEW SECTION. Section 2. Use of talking book trust. (1) The principal of the Montana state library talking book trust established in [section 1] is intended to be an expendable trust subject to investment by the board of investments in accordance with investment principles established for the investment of state funds in Title 17, chapter 6, part 2.

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(3) Interest earned on the principal of the talking book trust may be used for providing library service to Montanans who, because of disability, cannot read standard print.

(4) Revenue that is not expended on the service authorized in subsection (3) and that is not expended at the end of each fiscal year remains in the talking book trust for investment as provided in subsection (1).

(5) The provisions of 17-2-108 that require the expenditure of nongeneral fund money prior to the expenditure of general fund money do not apply to the expenditure of revenue made available to the library



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22 -END-



HOUSE COMMITTEE OF THE WHOLE AMENDMENT

Senate Bill 265
Representative McCulloch

March 24, 1995 8:15 am
Page 1 of 2

Mr. Chairman: I move to amend Senate Bill 265 (third reading copy -- blue).

Signed: 
Representative McCulloch

And, that such amendments to Senate Bill 265 read as follows:

1. Title, line 4.
Strike: "A TALKING BOOK"
Insert: "AN"
2. Title, lines 5 through 7.
Following: "MONTANANS" on line 5
Strike: remainder of line 5 through "PRINT" on line 6
Following: "LIBRARY" on line 6
Strike: remainder of line 6 through "\$250" on line 7
3. Page 1, line 13.
Strike: "Talking book"
Insert: "Montana state library"
4. Page 1, line 14.
Strike: "talking book"
5. Page 1, lines 18, 23, 24, and 27.
Strike: "talking book"
Insert: "Montana state library"
6. Page 1, line 19.
Strike: "talking book"
7. Page 1, line 22.
Strike: "of \$250 or more"

ADOPT

REJECT

SB265
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8. Page 1, line 25.
Following: "Montanans"
Insert: "including those"

9. Page 2, line 1.
Strike: "talking book"
Insert: "Montana state library"

10. Page 3, line 3.
Strike: "in the amount of \$250 or more"
Strike: "talking book"
Insert: "Montana state library"

-END-

1 SENATE BILL NO. 265

2 INTRODUCED BY BECK, CRIPPEN

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