

1 HOUSE BILL NO. 53

2 INTRODUCED BY G. PARRY

3 BY REQUEST OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING TRANSFER DEADLINES FOR CERTAIN ACCOUNTS;
6 AMENDING SECTIONS 15-38-301, 76-15-106, 80-7-1016, AND 85-2-280, MCA; AND PROVIDING AN
7 IMMEDIATE EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 15-38-301, MCA, is amended to read:

12 **"15-38-301. (Temporary) Natural resources operations state special revenue account created --**
13 **revenue allocated -- appropriations from account.** (1) There is a natural resources operations state special
14 revenue account within the state special revenue fund established in 17-2-102.

15 (2) Except to the extent required to be credited to the renewable resource loan debt service fund
16 pursuant to 85-1-603, there must be paid into the natural resources operations state special revenue account:

17 (a) the interest income of the resource indemnity trust fund as provided in and subject to the
18 conditions of 15-38-202;

19 (b) the metal mines license tax proceeds as provided in 15-37-117(1)(d);

20 (c) the oil and natural gas production tax as provided in 15-36-331;

21 (d) any fees or charges collected by the department pursuant to 85-1-616 for the servicing of
22 loans, including arrangements for obtaining security interests; and

23 (e) fund transfers by the legislature.

24 (3) ~~On July 1~~ By August 15 of each fiscal year, the state treasurer shall transfer the amount
25 necessary, when combined with available and unencumbered fund balance and anticipated revenue for the
26 fiscal year, to fund the amount appropriated by the legislature in the general appropriations act from the state
27 general fund to the natural resources operations state special revenue account for the sole purpose of funding
28 the appropriations authorized by the legislature from the account. Prior to the closing of the fiscal year, the

1 department shall reconcile anticipated revenue with actual revenue received. If revenue is received above the
 2 anticipated amount, the transfer in the following fiscal year shall adjust for the unanticipated amount. If revenue
 3 is received below the anticipated amount, the state treasurer shall transfer the amount of the revenue shortfall
 4 from the general fund to the natural resources operations state special revenue account.

5 (4) Appropriations may be made from the natural resources operations state special revenue
 6 account for administrative expenses, including salaries and expenses for personnel and equipment, office
 7 space, and other expenses necessarily incurred in the administration of natural resources operations.

8 **15-38-301. (Effective July 1, 2025) Natural resources operations state special revenue account**
 9 **created -- revenue allocated -- appropriations from account.** (1) There is a natural resources operations
 10 state special revenue account within the state special revenue fund established in 17-2-102.

11 (2) Except to the extent required to be credited to the renewable resource loan debt service fund
 12 pursuant to 85-1-603, there must be paid into the natural resources operations state special revenue account:

13 (a) the interest income of the resource indemnity trust fund as provided in and subject to the
 14 conditions of 15-38-202;

15 (b) the metal mines license tax proceeds as provided in 15-37-117(1)(d);

16 (c) the oil and natural gas production tax as provided in 15-36-331;

17 (d) any fees or charges collected by the department pursuant to 85-1-616 for the servicing of
 18 loans, including arrangements for obtaining security interests; and

19 (e) fund transfers by the legislature.

20 (3) Appropriations may be made from the natural resources operations state special revenue
 21 account for administrative expenses, including salaries and expenses for personnel and equipment, office
 22 space, and other expenses necessarily incurred in the administration of natural resources operations."
 23

24 **Section 2.** Section 76-15-106, MCA, is amended to read:

25 **"76-15-106. (Temporary) Conservation district account.** (1) There is a conservation district
 26 account in the state special revenue fund established by 17-2-102 to be administered by the department of
 27 natural resources and conservation for providing funding for conservation districts.

28 (2) ~~On July 1~~ By August 15 of each fiscal year, the state treasurer shall transfer the amount

1 necessary, when combined with available and unencumbered fund balance and anticipated revenue for the
 2 fiscal year, to fund the amount appropriated by the legislature in the general appropriations act from the state
 3 general fund to the conservation district special revenue account for the sole purpose of funding the
 4 appropriations authorized by the legislature from the account. Prior to the closing of the fiscal year, the
 5 department shall reconcile anticipated revenue with actual revenue received. If revenue is received above the
 6 anticipated amount, the transfer in the following fiscal year shall adjust for the unanticipated amount. If revenue
 7 is received below the anticipated amount, the state treasurer shall transfer the amount of the revenue shortfall
 8 from the general fund to the conservation district special revenue account. (Terminates June 30, 2023--sec. 5,
 9 Ch. 138, L. 2021.)

10 **76-15-106. (Effective July 1, 2023) Conservation district account.** There is a conservation district
 11 account in the state special revenue fund established by 17-2-102 to be administered by the department of
 12 natural resources and conservation for providing funding for conservation districts."
 13

14 **Section 3.** Section 80-7-1016, MCA, is amended to read:

15 **"80-7-1016. Invasive species trust fund.** (1) There is an invasive species trust fund. The board of
 16 investments shall invest the money of the fund, and the investment income must be deposited in the fund.

17 (2) The principal of the invasive species trust fund shall forever remain inviolate in an amount of
 18 \$100 million unless appropriated by a vote of three-fourths of the members of each house of the legislature.

19 (3) Except as provided in 80-7-1013 and subsection (2) of this section, money deposited in the
 20 invasive species trust fund may not be appropriated until the principal reaches \$100 million.

21 (4) ~~On July 1 of~~ By August 15 of each fiscal year, the principal of the invasive species trust fund in
 22 excess of \$100 million and the interest and income generated from the trust fund, excluding unrealized gains
 23 and losses, must be deposited in the invasive species account established in 80-7-1004.

24 (5) Deposits to the principal of the trust fund may include but are not limited to grants, gifts,
 25 transfers, bequests, or donations from any source."
 26

27 **Section 4.** Section 85-2-280, MCA, is amended to read:

28 **"85-2-280. (Temporary) Water adjudication account.** (1) There is a water adjudication account

1 within the state special revenue fund created in 17-2-102.

2 (2) ~~On July 1~~ By August 15 of each fiscal year, the state treasurer shall transfer the amount
3 necessary when combined with available and unencumbered fund balance, to fund the amount appropriated by
4 the legislature in the general appropriation act from the state general fund to the water adjudication account for
5 the sole purpose of funding the water adjudication program within the department and the water court.

6 (3) Interest and income earnings on the water adjudication account must be deposited in the
7 account and may not be transferred to any other account prior to June 30, 2028.

8 (4) Money remaining in the water adjudication account on June 30, 2028, must be transferred to
9 the water right appropriation account provided for in 85-2-318.

10 (5) If the accountability benchmarks contained in 85-2-271 are not met, expenditures from the
11 account in the previous biennium may not be included in the department's base budget, as defined in 17-7-102,
12 for the current biennium. (Terminates June 30, 2028--secs. 10, 11, Ch. 269, L. 2015.)"

13

14 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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