

1 HOUSE BILL NO. 281

2 INTRODUCED BY K. WALSH, T. FALK

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS TO PROVIDE STATUTORY APPROPRIATION
5 OF REINSURANCE ASSOCIATION MEMBER ASSESSMENTS; AMENDING SECTIONS 17-7-502 AND 33-
6 22-1321, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

9

10 **Section 1.** Section 17-7-502, MCA, is amended to read:

11 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
12 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
13 the need for a biennial legislative appropriation or budget amendment.

14 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with
15 both of the following provisions:

16 (a) The law containing the statutory authority must be listed in subsection (3).

17 (b) The law or portion of the law making a statutory appropriation must specifically state that a
18 statutory appropriation is made as provided in this section.

19 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-
20 11-407; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-
21 807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-316; 10-3-802; 10-3-1304; 10-4-304; 10-4-310; 15-1-121;
22 15-1-142; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-
23 117; 15-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-
24 3-212; 17-3-222; 17-3-241; 17-6-101; 17-6-214; 17-7-133; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-410;
25 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-
26 369; 20-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-
27 116; 22-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 33-22-
28 1321; 37-43-204; 37-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213;

1 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-
2 3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-
3 13-151; 76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-
4 1-113; 81-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603;
5 87-5-909; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

6 (4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees
7 associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due
8 in the ordinary course or when earlier called for redemption or defeased, that have been authorized and issued
9 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
10 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined
11 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have
12 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the
13 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement
14 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410
15 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental
16 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on
17 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117
18 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates
19 September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027;
20 pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs.
21 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch.
22 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021,
23 the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-
24 310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates
25 June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025;
26 pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to
27 sec. 1, Ch. 20, L. 2023, sec. 2, Ch. 20, L. 2023, and sec. 3, Ch. 20, L. 2023, the inclusion of 81-1-112, 81-1-
28 113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142

1 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates
2 June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031;
3 pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to
4 sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L.
5 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion
6 of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143
7 terminates December 31, 2025.)"

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9 **Section 2.** Section 33-22-1321, MCA, is amended to read:

10 **"33-22-1321. State and federal special revenue accounts -- reinsurance program.** (1) (a) There is
11 a reinsurance program account in the state special revenue fund established by 17-2-102. The account must be
12 administered by the commissioner for the benefit of the program. The money in the reinsurance program
13 account is statutorily appropriated, as provided in 17-7-502, to the commissioner for the purposes provided in
14 subsection (1)(c) of this section.

15 (b) There must be deposited in the account:

16 (i) all assessments collected under 33-22-1313;

17 (ii) any interest and income earned on the account; and

18 (iii) any other money from any other source accepted for the benefit of the account.

19 (c) The account may be used only to provide funding for the administration, operation, and claims
20 expenses incurred by the program created in 33-22-1302.

21 (2) There is an account in the federal special revenue fund to the credit of the board and
22 administered by the commissioner for the benefit of the program. There must be deposited in the account:

23 (a) federal funding allocated as a result of a section 1332 waiver application;

24 (b) any federal or grant funding; and

25 (c) any interest and income earned on the account."

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27 COORDINATION SECTION. Section 3. COORDINATION INSTRUCTION. IF BOTH HOUSE BILL NO. 2 AND

28 [THIS ACT] ARE PASSED AND APPROVED AND IF [THIS ACT] CONTAINS A STATUTORY APPROPRIATION FOR 33-22-1321,

1 THEN THE APPROPRIATIONS TO THE COMMISSIONER TO BE USED FOR MONTANA REINSURANCE ASSOCIATION MEMBER
2 ASSESSMENTS IN HOUSE BILL NO. 2 ARE VOID.

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4 NEW SECTION. Section 4. Effective date. [This act] is effective on passage and approval.

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6 NEW SECTION. SECTION 5. TERMINATION. [THIS ACT] TERMINATES JUNE 30, 2031.

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