

1 HOUSE BILL NO. 103

INTRODUCED BY K. ZOLNIKOV

3 BY REQUEST OF THE ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A MONTANA RAIL INSPECTION PROGRAM;
6 ESTABLISHING A MONTANA RAIL INSPECTION SPECIAL REVENUE ACCOUNT; PROVIDING A
7 STATUTORY APPROPRIATION; PROVIDING AN APPROPRIATION; ESTABLISHING REPORTING
8 REQUIREMENTS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-23-215, 17-7-502,
9 AND 69-14-111, MCA; AND PROVIDING AN EFFECTIVE DATE."

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13 Section 1. Section 15-23-215, MCA, is amended to read:

14 **"15-23-215. Deposit of taxes.** (1) All Except as provided in subsection (2), all taxes, penalties, and
15 interest collected by the department of revenue under 15-23-211 through 15-23-216 must be deposited in the
16 general fund.

17 (2) Eight percent of all money collected as described in subsection (1) must be deposited in the
18 Montana rail inspection account established in [section 43]."

20 **Section 2.** Section 17-7-502, MCA, is amended to read:

21 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
22 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without
23 the need for a biennial legislative appropriation or budget amendment.

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-13-403; 5-13-404; 7-4-2502; 7-4-2924; 7-32-236; 10-1-108; 10-1-1202; 10-1-1303; 10-2-3-203; 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; 2; 15-1-143; 15-1-218; 15-1-2302; 15-31-165; 15-31-1004; 15-31-1005; 15-35-108; 15-36-332; 15-37-39-110; 15-65-121; 15-70-128; 15-70-131; 15-70-132; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-17-3-222; 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; 02; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-3-7-1709; 20-8-107; 20-9-250; 20-9-534; 20-9-622; [20-15-328]; 20-26-617; 20-26-1503; 22-1-327; 22-3-3-117; [22-3-1004]; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-50-209; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-4-1506; 44-12-213; 44-13-102; 50-53-1-109; 53-6-148; 53-9-113; 53-24-108; 53-24-206; 60-5-530; 60-11-115; 61-3-321; 61-3-415; 67-1-3-870; 69-4-527; [section 4]; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-76-13-417; 76-17-103; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-31-2-203; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 99; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and any costs or fees related with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in ordinary course or when earlier called for redemption or defeated, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have the appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on the occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates

1 September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027;
2 pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs.
3 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch.
4 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021,
5 the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4
6 310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates
7 June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025;
8 pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to
9 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
10 113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142
11 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates
12 June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031;
13 pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to
14 sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L.
15 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion
16 of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143
17 terminates December 31, 2025.)"

18

19 **Section 2.** Section 69-14-111, MCA, is amended to read:

20 **"69-14-111. Supervision of railroads -- rail inspection program.** (1) The commission shall

21 supervise and inspect railroads subject to the provisions of this chapter.

22 (2) The commission may:

23 (a) may adopt or enforce regulations and orders related to railroad safety or security in accordance
24 with 49 U.S.C. 20106;

25 (b) may bring civil action in a district court for violations of federal railroad safety regulations in
26 accordance with 49 U.S.C. 20113; and

27 (c) shall develop and operate a Montana rail inspection program, which must employ:

28 (i) three motive power and equipment inspectors;

1 (ii) two railroad track inspectors;
2 (iii) one operating practice inspector; and
3 (iv) additional staff needed to administer the program; and
4 (e)(d) may participate in investigative and surveillance activities in accordance with 49 U.S.C. 20105."

5

6 **NEW SECTION. Section 3. Montana rail inspection account -- use -- reporting requirement --**

7 **statutory appropriation -- rulemaking.** (1) There is a Montana rail inspection account in the state special
8 revenue fund established in 17-2-102 to the credit of the department of public service regulation.

9 (2) There must be deposited in the account money received from taxes on railroad car company
10 property pursuant to 15-23-215(2).

11 (3) Money deposited in the account is statutorily appropriated, as provided in 17-7-502, to the
12 department of public service regulation and may be used only for the development, operation, and improvement
13 of the Montana rail inspection program provided for in 69-14-111(2)(c).

14 (4) By September 1 of each even-numbered year, the commission shall report to the energy and
15 telecommunications interim committee in accordance with 5-11-210 on the status of rail inspection safety in
16 Montana as it pertains to 69-14-111, including policy and funding recommendations necessary to enhance rail
17 safety.

18 (5) The commission may adopt rules to implement the Montana rail inspection program provided
19 for in 69-14-111(2)(c).

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21 **NEW SECTION. Section 4. Appropriation.** (1) The following funds are appropriated from the
22 account provided for in [section 3] to the department of public service regulation for the purpose of
23 implementing the provisions of 69-14-111:

24 (a) Fiscal year 2026 \$315,000
25 (b) Fiscal year 2027 \$324,000

26 (2) The appropriations in this section are intended to supplement base funding to the department
27 of public service regulation to fund four additional positions budgeted for purposes of implementing the
28 provisions of 69-14-111.

(3) The legislature intends that the appropriations in subsection (1) be considered part of the ongoing base for the next legislative session.

NEW SECTION. **Section 5. Codification instruction.** [\[Section 4\]](#) [\[Section 3\]](#) is intended to be codified as an integral part of Title 69, chapter 14, and the provisions of Title 69, chapter 14, apply to [\[section 4\]](#) [\[section 3\]](#).

NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 2025.

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