

HOUSE BILL NO. 848

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ZEPHYR

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FUNDING FOR REGIONAL RAIL AUTHORITIES;
PROVIDING THAT A PORTION OF RENTAL CAR SALES AND USE THE RAILROAD CAR TAX IS
DISTRIBUTED TO REGIONAL RAIL AUTHORITIES; PROVIDING PURPOSES FOR WHICH REGIONAL RAIL
AUTHORITIES MAY USE THE FUNDING; PROVIDING A STATUTORY APPROPRIATION; AMENDING
SECTIONS ~~15-65-121, 15-68-820, 17-7-502, 22-3-1303, 22-3-1304, AND 22-3-1307~~ 7-14-1624, 15-23-215,
AND 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

(Refer to Introduced Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. SECTION 1. BIG SKY RAIL ACCOUNT. (1) THERE IS A BIG SKY RAIL ACCOUNT IN THE STATE
SPECIAL REVENUE FUND ESTABLISHED IN 17-2-102. THE ACCOUNT CONSISTS OF MONEY DEPOSITED IN THE ACCOUNT
PURSUANT TO 15-23-215.

(2) THE MONEY IN THE ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE
DEPARTMENT OF TRANSPORTATION.

(3) THE DEPARTMENT OF TRANSPORTATION SHALL ANNUALLY DISTRIBUTE BY AUGUST 1 MONEY IN THE
ACCOUNT TO REGIONAL RAIL AUTHORITIES ESTABLISHED PURSUANT TO 7-14-1621 BEFORE JANUARY 1, 2025. A
REGIONAL RAIL AUTHORITY SHALL USE THE MONEY FOR THE PURPOSES PROVIDED FOR IN 7-14-1624(2).

SECTION 2. Section 7-14-1624, MCA, is amended to read:

"7-14-1624. General powers of authority. (1) An authority has all the powers necessary to carry out the purposes of this part, including but not limited to the power to:

~~(1)-(a)~~ sue and be sued, have a seal, and have perpetual succession;

~~(2)-(b)~~ execute contracts and other instruments and take other action as may be necessary to carry out the purposes of this part;

~~(3)-(c)~~ receive and disburse federal, state, and other funds, public or private, made available by grant, loan, contribution, tax levy, or other source to accomplish the purposes of this part. Federal money accepted under this section must be accepted and spent by the authority upon terms and conditions prescribed by the United States and consistent with state law. All state money accepted under this section must be accepted and spent by the authority upon terms and conditions prescribed by the state.

~~(4)-(d)~~ sell, lease, or otherwise dispose of real or personal property acquired pursuant to this part. The disposal must be in accordance with the laws of this state governing the disposition of other public property.

(2) An authority shall use money distributed pursuant to [section 1] for:

(a) administration of the rail authority;

(b) matching grants;

(c) development of cooperative relationships with the federal government, other states, Canadian provinces, railroads, and other parties to advance the purposes in subsection (2)(d); and

(d) to advance plan, design, develop, implement, and operate rail projects and services throughout and connecting beyond the state, including but not limited to:

(i) enhancing the safety and performance of passenger and freight rail services and infrastructure;

(ii) providing coordinated transportation connections among train stations, airports, roads, streets, and highways and transit systems;

(iii) creating and improving passenger stations and related facilities, fostering compatible development around passenger stations, and increasing connecting services from locations with stops on existing or future passenger rail services operating within or through the state;

(iv) planning, developing, or expanding transit and rental car facilities and related services at train stations, destinations, and other locations that provide connecting services for rail passengers, such as airports or offsite rental car locations; and

(v) developing energy production and distribution facilities and services for transportation and related purposes."

SECTION 3. Section 15-23-215, MCA, is amended to read:

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

(2) The first \$2 million of taxes, penalties, and interest collected annually must be deposited in the account provided for in [section 1]."

SECTION 4. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without 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:

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

(b) The law or portion of the law making a statutory appropriation must specifically state that a 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; 5-11-407; 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; 10-2-807; 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; 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; 15-37-117; 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; 17-3-212; 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; 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; 20-3-369; 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; 22-3-116; 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; 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; 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; [section 1]; 61-3-321; 61-3-415; 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; 76-13-151; 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; 81-1-113; 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; 87-5-909; 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 associated with issuing, paying, securing, redeeming, or defeasing all bonds, notes, or other obligations, as due in the ordinary course or when earlier called for redemption or defeased, 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 statutory 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 system's 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 benefit provided by 19-6-709; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on 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 September 30, 2025; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027; pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029; pursuant to secs. 1, 2, 3, Ch. 139, L. 2021, the inclusion of 53-9-113 terminates June 30, 2027; pursuant to sec. 8, Ch. 200, L. 2021, the inclusion of 10-4-310 terminates July 1, 2031; pursuant to secs. 3, 4, Ch. 404, L. 2021, the inclusion of 30-10-1004 terminates June 30, 2027; pursuant to sec. 5, Ch. 548, L. 2021, the inclusion of 50-1-115 terminates June 30, 2025; pursuant to secs. 5 and 12, Ch. 563, L. 2021, the inclusion of 22-3-1004 is effective July 1, 2027; pursuant to 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-

1 113, and 81-7-106 terminates June 30, 2029; pursuant to sec. 9, Ch. 44, L. 2023, the inclusion of 15-1-142
2 terminates December 31, 2025; pursuant to sec. 10, Ch. 47, L. 2023, the inclusion of 15-1-2302 terminates
3 June 30, 2025; pursuant to sec. 2, Ch. 374, L. 2023, the inclusion of 10-3-802 terminates June 30, 2031;
4 pursuant to sec. 12, Ch. 558, L. 2023, the inclusion of 20-9-250 terminates December 31, 2029; pursuant to
5 sec. 4, Ch. 621, L. 2023, the inclusion of 22-1-327 terminates July 1, 2029; pursuant to sec. 24, Ch. 722, L.
6 2023, the inclusion of 17-7-133 terminates June 30, 2027; pursuant to sec. 10, Ch. 758, L. 2023, the inclusion
7 of 44-4-1506 terminates June 30, 2027; and pursuant to sec. 10, Ch. 764, L. 2023, the inclusion of 15-1-143
8 terminates December 31, 2025.)"

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10 NEW SECTION. SECTION 5. CODIFICATION INSTRUCTION. [SECTION 1] IS INTENDED TO BE CODIFIED AS AN
11 INTEGRAL PART OF TITLE 60, CHAPTER 11, PART 1, AND THE PROVISIONS OF TITLE 60, CHAPTER 11, PART 1, APPLY TO
12 [SECTION 1].

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14 NEW SECTION. SECTION 6. EFFECTIVE DATE. [THIS ACT] IS EFFECTIVE JULY 1, 2025.

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