

OBJECTION FILED TO CONSENT CALENDAR
RECOMMENDATION.

APRIL 11, 1991

SECOND READING, CONCURRED IN.

APRIL 12, 1991

THIRD READING, CONCURRED IN.
AYES, 49; NOES, 0.

RETURNED TO HOUSE.

IN THE HOUSE

APRIL 13, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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HOUSE BILL NO. *841*
Bergeson

INTRODUCED BY
A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING EMPLOYEES OF THE MONTANA ALFALFA SEED COMMITTEE FROM THE PROVISIONS OF THE STATE PAY PLAN; STATUTORILY APPROPRIATING MONEY COLLECTED UNDER THE ALFALFA SEED INDUSTRY ACT TO THE COMMITTEE; AMENDING SECTIONS 2-18-103, 17-7-502, AND 80-11-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-18-103, MCA, is amended to read:

"2-18-103. Officers and employees excepted. Parts 1 and 2 do not apply to the following positions in state government:

- (1) elected officials;
- (2) county assessors and their chief deputy;
- (3) officers and employees of the legislative branch;
- (4) judges and employees of the judicial branch;
- (5) members of boards and commissions appointed by the governor, the legislature, or other elected state officials;
- (6) officers or members of the militia;
- (7) agency heads appointed by the governor;
- (8) academic and professional administrative personnel with individual contracts under the authority of the board

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- of regents of higher education;
- (9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;
- (10) teachers under the authority of the department of institutions or family services;
- (11) investment officer, assistant investment officer, executive director, and three professional staff positions of the board of investments;
- (12) four professional staff positions under the board of oil and gas conservation;
- (13) assistant director for security of the Montana state lottery;
- (14) executive director and senior investment officer of the Montana board of science and technology development; and
- (15) executive director and employees of the state compensation mutual insurance fund; and
- (16) employees assigned to the Montana alfalfa seed committee."

Section 2. 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

1 legislative appropriation or budget amendment.

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

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

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

10 (3) The following laws are the only laws containing
11 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
12 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
13 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
14 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
15 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;
16 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
17 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;
18 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;
19 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;
20 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;
21 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 80-11-310;
22 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
23 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
24 of 1985.

25 (4) There is a statutory appropriation to pay the

1 principal, interest, premiums, and costs of issuing, paying,
2 and securing all bonds, notes, or other obligations, as due,
3 that have been authorized and issued pursuant to the laws of
4 Montana. Agencies that have entered into agreements
5 authorized by the laws of Montana to pay the state
6 treasurer, for deposit in accordance with 17-2-101 through
7 17-2-107, as determined by the state treasurer, an amount
8 sufficient to pay the principal and interest as due on the
9 bonds or notes have statutory appropriation authority for
10 such payments. (In subsection (3), pursuant to sec. 10, Ch.
11 664, L. 1987, the inclusion of 39-71-2504 terminates June
12 30, 1991.)"

13 **Section 3.** Section 80-11-310, MCA, is amended to read:

14 **"80-11-310. Deposit and disbursement of funds --**
15 **records -- investment.** (1) As soon as possible after
16 receipt, all money received by the department from the
17 assessment levied under 80-11-307 and all other money
18 received shall be deposited in the state special revenue
19 fund.

20 (2) All money referred to in subsection (1) ~~of this~~
21 section is statutorily appropriated, as provided in
22 17-7-502, to the committee and may be used only for the
23 payment of expenses incurred in carrying out the provisions
24 of this part. The committee may be assessed costs by the
25 department for the services it provides upon request or

1 pursuant to 2-15-121; however, the costs charged must have a
2 substantial relationship to the cost of services supplied.

3 (3) Money received under this section, 80-11-312, and
4 80-11-313 not immediately required for the purposes of this
5 part must be invested under provisions of the unified
6 investment program established in Title 17, chapter 6, part
7 2.

8 (4) Money received under this section, 80-11-312, and
9 80-11-313 is appropriated to the committee for the purposes
10 of this part."

11 NEW SECTION. **Section 4.** Effective date. [This act] is
12 effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0841, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill exempts employees of the Montana Alfalfa Seed Committee from the provisions of the state pay plan, and statutorily appropriates money collected under the Alfalfa Seed Industry Act to the committee.

ASSUMPTIONS:

1. Personal services expenses will not exceed the current level request.
2. The Alfalfa Seed Committee budget will continue to be presented through the executive budget process.
3. Department of Agriculture participation in committee activities will not change.

FISCAL IMPACT:


No fiscal impact.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:


If the committee determined it is appropriate to provide a salary to the exempt employee that is more than the state pay rate estimated under current law, expenditures would increase. This would result in a reduction of available revenue for program promotion and development.

TECHNICAL NOTES:

Statutory appropriations for expenses of administering or operating a program are not in accord with executive budget policy or legislative intent as expressed in HB0583 (Montana Session Laws 1989 Chapter 628).



ROD SUNDSTED, BUDGET DIRECTOR DATE
Office of Budget and Program Planning 2-18-91



ERNEST BERGSAGEL, PRIMARY SPONSOR DATE
Fiscal Note for HB0841, as introduced 2/20/91
HB 841

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 841

INTRODUCED BY BERGSAGEL, HAMMOND, STEPLER

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING EMPLOYEES OF THE MONTANA ALFALFA SEED COMMITTEE FROM THE PROVISIONS OF THE STATE PAY PLAN; STATUTORILY APPROPRIATING MONEY COLLECTED UNDER THE ALFALFA SEED INDUSTRY ACT TO THE MONTANA ALFALFA SEED COMMITTEE; AMENDING SECTIONS 2-10-103, 17-7-502, AND 80-11-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1, Section 2-10-103, MCA, is amended to read:

"2-10-103. Officers and employees excepted. Parts 1 and 2 do not apply to the following positions in state government:

(1) elected officials;

(2) county assessors and their chief deputy;

(3) officers and employees of the legislative branch;

(4) judges and employees of the judicial branch;

(5) members of boards and commissions appointed by the governor, the legislature, or other elected state officials;

(6) officers or members of the militia;

(7) agency heads appointed by the governor;

(8) academic and professional administrative personnel

with individual contracts under the authority of the board of regents of higher education;

(9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;

(10) teachers under the authority of the department of institutions or family services;

(11) investment officer, assistant investment officer, executive director, and three professional staff positions of the board of investments;

(12) four professional staff positions under the board of oil and gas conservation;

(13) assistant director for security of the Montana state lottery;

(14) executive director and senior investment officer of the Montana board of science and technology development; and
(15) executive director and employees of the state compensation mutual insurance fund; and

(16) employees assigned to the Montana alfalfa seed committee."

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

"17-7-502. Statutory appropriations -- definition -- prerequisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending

1 by a state agency without the need for a biennial
2 legislative appropriation or budget amendment.

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

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

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

11 (3) The following laws are the only laws containing
12 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
13 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
14 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
15 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
16 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;
17 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
18 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;
19 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;
20 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;
21 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;
22 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 80-11-310;
23 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613;
24 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws
25 of 1985.

1 (4) There is a statutory appropriation to pay the
2 principal, interest, premiums, and costs of issuing, paying,
3 and securing all bonds, notes, or other obligations, as due,
4 that have been authorized and issued pursuant to the laws of
5 Montana. Agencies that have entered into agreements
6 authorized by the laws of Montana to pay the state
7 treasurer, for deposit in accordance with 17-2-101 through
8 17-2-107, as determined by the state treasurer, an amount
9 sufficient to pay the principal and interest as due on the
10 bonds or notes have statutory appropriation authority for
11 such payments. (In subsection (3), pursuant to sec. 10, Ch.
12 664, L. 1987, the inclusion of 39-71-2504 terminates June
13 30, 1991.)"

14 **Section 2.** Section 80-11-310, MCA, is amended to read:

15 **"80-11-310. Deposit and disbursement of funds --**
16 **records -- investment.** (1) As soon as possible after
17 receipt, all money received by the department from the
18 assessment levied under 80-11-307 and all other money
19 received shall be deposited in the state special revenue
20 fund.

21 (2) All money referred to in subsection (1) ~~of--this~~
22 section is statutorily appropriated, as provided in
23 17-7-502, to the committee and may be used only for the
24 payment of expenses incurred in carrying out the provisions
25 of this part. The committee may be assessed costs by the

1 department for the services it provides upon request or
2 pursuant to 2-15-121; however, the costs charged must have a
3 substantial relationship to the cost of services supplied.

4 (3) Money received under this section, 80-11-312, and
5 80-11-313 not immediately required for the purposes of this
6 part must be invested under provisions of the unified
7 investment program established in Title 17, chapter 6, part
8 2.

9 (4) Money received under this section, 80-11-312, and
10 80-11-313 is appropriated to the committee for the purposes
11 of this part."

12 NEW SECTION. **Section 3.** Effective date. [This act] is
13 effective July 1, 1991.

-End-

HOUSE BILL NO. 841

INTRODUCED BY BERGSAGEL, HAMMOND, STEPLER

A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING EMPLOYEES OF THE MONTANA ALFALFA SEED COMMITTEE FROM THE PROVISIONS OF THE STATE PAY PLAN; STATUTORILY APPROPRIATING MONEY COLLECTED UNDER THE ALFALFA SEED INDUSTRY ACT TO THE MONTANA ALFALFA SEED COMMITTEE; AMENDING SECTIONS 2-18-103, 17-7-502, AND 80-11-310, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

"2-18-103. Officers and employees excepted. Parts 1 and 2 do not apply to the following positions in state government:

- (1) elected officials;
- (2) county assessors and their chief deputy;
- (3) officers and employees of the legislative branch;
- (4) judges and employees of the judicial branch;
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- (7) agency heads appointed by the governor;
- (8) academic and professional administrative personnel

with individual contracts under the authority of the board of regents of higher education;

(9) academic and professional administrative personnel and live-in-houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;

(10) teachers under the authority of the department of institutions or family services;

(11) investment officer, assistant investment officer, executive director, and three professional staff positions of the board of investments;

(12) four professional staff positions under the board of oil and gas conservation;

(13) assistant director for security of the Montana state lottery;

(14) executive director and senior investment officer of the Montana board of science and technology development; and

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1 by a state agency without the need for a biennial
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4 effective, a statutory appropriation must comply with both
5 of the following provisions:

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7 listed in subsection (3).

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9 appropriation must specifically state that a statutory
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11 (3) The following laws are the only laws containing
12 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
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17 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
18 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;
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20 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 53-6-150;
21 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101;
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25 of 1985.

1 (4) There is a statutory appropriation to pay the
2 principal, interest, premiums, and costs of issuing, paying,
3 and securing all bonds, notes, or other obligations, as due,
4 that have been authorized and issued pursuant to the laws of
5 Montana. Agencies that have entered into agreements
6 authorized by the laws of Montana to pay the state
7 treasurer, for deposit in accordance with 17-2-101 through
8 17-2-107, as determined by the state treasurer, an amount
9 sufficient to pay the principal and interest as due on the
10 bonds or notes have statutory appropriation authority for
11 such payments. (In subsection (3), pursuant to sec. 10, Ch.
12 664, L. 1987, the inclusion of 39-71-2504 terminates June
13 30, 1991.)"

14 **Section 2.** Section 80-11-310, MCA, is amended to read:
15 **"80-11-310. Deposit and disbursement of funds --**
16 **records -- investment.** (1) As soon as possible after
17 receipt, all money received by the department from the
18 assessment levied under 80-11-307 and all other money
19 received shall be deposited in the state special revenue
20 fund.

21 (2) All money referred to in subsection (1) ~~of--this~~
22 section is statutorily appropriated, as provided in
23 17-7-502, to the committee and may be used only for the
24 payment of expenses incurred in carrying out the provisions
25 of this part. The committee may be assessed costs by the

1 department for the services it provides upon request or
2 pursuant to 2-15-121; however, the costs charged must have a
3 substantial relationship to the cost of services supplied.

4 (3) Money received under this section, 80-11-312, and
5 80-11-313 not immediately required for the purposes of this
6 part must be invested under provisions of the unified
7 investment program established in Title 17, chapter 6, part
8 2.

9 (4) Money received under this section, 80-11-312, and
10 80-11-313 is appropriated to the committee for the purposes
11 of this part."

12 NEW SECTION. **Section 3.** Effective date. [This act] is
13 effective July 1, 1991.

-End-

HOUSE BILL NO. 841

INTRODUCED BY BERGSAGEL, HAMMOND, STEPLER

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with individual contracts under the authority of the board of regents of higher education;

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22 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 80-11-310;
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2 principal, interest, premiums, and costs of issuing, paying,
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7 treasurer, for deposit in accordance with 17-2-101 through
8 17-2-107, as determined by the state treasurer, an amount
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13 30, 1991.)"

14 **Section 2.** Section 80-11-310, MCA, is amended to read:

15 "80-11-310. Deposit and disbursement of funds --
16 records -- investment. (1) As soon as possible after
17 receipt, all money received by the department from the
18 assessment levied under 80-11-307 and all other money
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22 section is statutorily appropriated, as provided in
23 17-7-502, to the committee and may be used only for the
24 payment of expenses incurred in carrying out the provisions
25 of this part. The committee may be assessed costs by the

1 department for the services it provides upon request or
2 pursuant to 2-15-121; however, the costs charged must have a
3 substantial relationship to the cost of services supplied.

4 (3) Money received under this section, 80-11-312, and
5 80-11-313 not immediately required for the purposes of this
6 part must be invested under provisions of the unified
7 investment program established in Title 17, chapter 6, part
8 2.

9 (4) Money received under this section, 80-11-312, and
10 80-11-313 is appropriated to the committee for the purposes
11 of this part."

12 NEW SECTION. **Section 3.** Effective date. [This act] is
13 effective July 1, 1991.

-End-