

CHAPTER NO. 618.

SENATE BILL NO. 319

INTRODUCED BY E. SMITH

IN THE SENATE

January 31, 1979	Introduced and referred to Committee on Finance and Claims.
February 19, 1979	Committee recommend bill do pass as amended. Report adopted.
February 21, 1979	Printed and placed on members' desks.
February 22, 1979	Second reading, do pass.
February 23, 1979	Considered correctly engrossed. On motion rules suspended. Bill placed on Calendar for third reading this day. Third reading, passed. Transmitted to second house.

IN THE HOUSE

February 27, 1979	Introduced and referred to Committee on Appropriations.
April 6, 1979	Committee recommend bill be not concurred in.
April 9, 1979	Report adopted.

IN THE SENATE

April 10, 1979	Returned from second house. Not concurred in.
April 11, 1979	On motion request of House granted for return of Senate Bill No. 319 for further consideration. Transmitted to second house.

IN THE HOUSE

April 12, 1979

On motion of April 9, 1979,
bill requested from Senate
to reconsider previous action.

Objection to adverse com-
mittee report. Bill placed
on second reading.

April 16, 1979

Second reading, concurred in
as amended.

Third reading, concurred in
as amended.

IN THE SENATE

April 17, 1979

Returned from second house.
Concurred in as amended.

April 18, 1979

Second reading, amendments
adopted.

On motion rules suspended.
Bill placed on Calendar for
third reading this day.

Third reading, amendments
adopted. Sent to enrolling.

Reported correctly enrolled.

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Senate BILL NO. *319*
E. Smith

INTRODUCED BY _____
A BILL FOR AN ACT ENTITLED: "AN ACT TO ELIMINATE SUPPLEMENTAL APPROPRIATIONS EXCEPT IN EMERGENCY SITUATIONS; PROVIDING FOR THE LEGISLATIVE FINANCE COMMITTEE TO FILE A COMPLAINT WHEN LIMITS ON EXPENDITURES ARE EXCEEDED; AMENDING SECTIONS 17-8-103 AND 17-8-104, MCA; REPEALING SECTION 17-7-301, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
Section 1. Section 17-8-103, MCA, is amended to read:
"17-8-103. Limit on expenditures. (1) It shall be unlawful for the board of trustees, executive board, managerial staff, president, deans and faculty, or any other authority of any state institution maintained in whole or in part by the state or any officer, department, board, commission, or bureau, having charge of the disbursement or expenditure of the income provided by legislative appropriation or otherwise, to expend, contract for the expenditure, or to incur or permit the incurring, of any obligation whatsoever, in any one year, in excess of the income legislative appropriation provided for such year or for any supervisory board or authority either directly or indirectly to authorize, direct, or order any such

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institution, officer, department, board, commission, or bureau to increase any expenditures, except as specifically provided by law.

(2) It shall be and is hereby made the duty of any and all of such institutions, officers, departments, boards, commissions, and bureaus to keep such expenditures, obligations, and liabilities within the amount of such income legislative appropriation.

(3) An agency must follow a plan of expenditure that will reasonably provide for continued operation of the agencies' authorized programs at the authorized level through the entire biennium. No significant increase in the spending rate for any program may be authorized unless the plan of expenditure is modified so as to reduce the spending rate in other programs to a level that will allow operation at this modified level through the end of the biennium. Such projections may not include anticipation of additional appropriations or abrupt curtailment of any program within the last 6 months of the biennium unless such program termination was an original part of the program plan.

(4) No bill to appropriate money as a supplement to any agency budget may be introduced in the legislature except upon a vote by three-fourths of the house of representatives upon finding that an emergency existed that threatened the public health, welfare, and safety of the

1 ~~state.~~"

1 repealed.

-End-

2 Section 2. Section 17-8-104, MCA, is amended to read:

3 "17-8-104. Penalty for violation. Any authority or
 4 member of a board of trustees or any person, officer, or
 5 employee violating the provisions of 17-8-103 shall be
 6 guilty of a misdemeanor and upon conviction thereof shall be
 7 punished by a fine of not less than \$50 or more than \$500 or
 8 imprisoned in the county jail for not less than 30 days or
 9 more than 6 months or by both such fine and imprisonment;
 10 and in addition thereto, said authority, member, person,
 11 officer, or employee shall be personally liable and the
 12 surety or sureties on his bond shall also be liable to the
 13 state for the amount of the excess thus unlawfully expended,
 14 and said authority, member, person, or officer shall be
 15 guilty of misfeasance in office, and such employee shall be
 16 guilty of wrongdoing, and each shall be subject to removal
 17 from office or from such employment, upon complaint of ~~the~~
 18 legislative finance committee or of any taxpayer filed in a
 19 district court of this state and upon proof of violation of
 20 17-8-103, in accordance with law."

21 NEW SECTION. Section 3. Legislative finance committee
 22 to file complaint. The legislative finance committee may
 23 file a complaint in district court alleging violation of
 24 17-8-103.

25 Section 4. Repealer. Section 17-7-301, MCA, is

1 SENATE BILL NO. 319
2 INTRODUCED BY E. SMITH

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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ~~ELIMINATE~~ PROVIDE
5 FOR A TWO-THIRDS VOTE OF EACH HOUSE FOR APPROVAL OF
6 SUPPLEMENTAL APPROPRIATIONS EXCEPT IN EMERGENCY SITUATIONS;
7 PROVIDING FOR THE LEGISLATIVE FINANCE COMMITTEE TO FILE A
8 COMPLAINT WHEN LIMITS ON EXPENDITURES ARE EXCEEDED; AMENDING
9 SECTIONS 17-8-103 AND 17-8-104, MCA; ~~REPEALING SECTION~~
10 ~~17-7-301-MEA."~~

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

13 Section 1. Section 17-8-103, MCA, is amended to read:

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15 unlawful for the board of trustees, executive board,
16 managerial staff, president, deans and faculty, or any other
17 authority of any state institution maintained in whole or in
18 part by the state or any officer, department, board,
19 commission, or bureau, having charge of the disbursement or
20 expenditure of the income provided by legislative
21 appropriation or otherwise, to expend, contract for the
22 expenditure, or to incur or permit the incurring of any
23 obligation whatsoever, in any one year, in excess of the
24 income legislative appropriation provided for such year or
25 for any supervisory board or authority either directly or

1 indirectly to authorize, direct, or order any such
2 institution, officer, department, board, commission, or
3 bureau to increase any expenditures, except as specifically
4 provided by law.

5 (2) It shall be and is hereby made the duty of any and
6 all of such institutions, officers, departments, boards,
7 commissions, and bureaus to keep such expenditures,
8 obligations, and liabilities within the amount of such
9 income legislative appropriation.

10 ~~(3) An agency must follow a plan of expenditure that~~
11 ~~will reasonably provide for continued operation of the~~
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13 ~~through the entire biennium. No significant increase in the~~
14 ~~spending rate for any program may be authorized unless the~~
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20 ~~the last 6 months of the biennium unless such program~~
21 ~~termination was an original part of the program plan~~

22 ~~(4) No bill to appropriate money as a supplement to~~
23 ~~any agency budget may be introduced in PASSED BY the~~
24 ~~legislature except upon a vote by three-fourths of the house~~
25 ~~of representatives upon finding that an emergency existed~~

1 ~~that threatened the public health, welfare, and safety of~~
 2 ~~the state~~ EXCEPT BY A TWO-THIRDS VOTE OF THE MEMBERS OF
 3 EACH HOUSE OF THE LEGISLATURE PRESENT AND VOTING ON THE
 4 QUESTION."

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 9 guilty of a misdemeanor and upon conviction thereof shall be
 10 punished by a fine of not less than \$50 or more than \$500 or
 11 imprisoned in the county jail for not less than 30 days or
 12 more than 6 months or by both such fine and imprisonment;
 13 and in addition thereto, said authority, member, person,
 14 officer, or employee shall be personally liable and the
 15 surety or sureties on his bond shall also be liable to the
 16 state for the amount of the excess thus unlawfully expended,
 17 and said authority, member, person, or officer shall be
 18 guilty of misfeasance in office, and such employee shall be
 19 guilty of wrongdoing, and each shall be subject to removal
 20 from office or from such employment, upon complaint of ~~the~~
 21 legislative finance committee or of any taxpayer filed in a
 22 district court of this state and upon proof of violation of
 23 17-8-103, in accordance with law."

24 NEW SECTION. Section 3. Legislative finance committee
 25 to file complaint. The legislative finance committee may

1 file a complaint in district court alleging violation of
 2 17-8-103.

3 SECTION 4. THERE IS A NEW MCA SECTION THAT READS:

4 Deficiency appropriations, commonly referred to as a
 5 "supplemental appropriation", for a legislative branch
 6 agency must be included in a separate appropriation bill and
 7 may not be included in the bill appropriating money for the
 8 operation of the legislature, commonly referred to as the
 9 "feed bill".

10 ~~Section 4. Repeater. Section 17-7-301, MCA, is~~
 11 ~~repeated.~~

-End-

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO~~ ~~ELIMINATE~~ ~~PROVIDE~~
5 ~~FOR~~ ~~A~~ ~~TWO~~ ~~THIRDS~~ ~~VOTE~~ ~~OF~~ ~~EACH~~ ~~HOUSE~~ ~~FOR~~ ~~APPROVAL~~ ~~OF~~
6 ~~PERTAINING~~ ~~TO~~ SUPPLEMENTAL APPROPRIATIONS EXCEPT ~~IN~~
7 EMERGENCY ~~SITUATIONS~~; PROVIDING FOR THE LEGISLATIVE FINANCE
8 COMMITTEE ATTORNEY GENERAL TO FILE A COMPLAINT WHEN LIMITS
9 ON EXPENDITURES ARE EXCEEDED; AMENDING SECTIONS 17-8-103 AND
10 17-8-104, MCA; ~~REPEALING SECTION 17-7-301, MCA.~~"

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22 expenditure, or to incur or permit the incurring of any
23 obligation whatsoever, in any one year, in excess of the
24 income legislative appropriation OR AUTHORIZED BUDGET
25 AMENDMENT provided for such year or for any supervisory

1 board or authority either directly or indirectly to
2 authorize, direct, or order any such institution, officer,
3 department, board, commission, or bureau to increase any
4 expenditures, except as specifically provided by law.

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 10 "feed bill".

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 12 ~~repealed.~~

-End-

HOUSE OF REPRESENTATIVES
April 16, 1979

Committee of the Whole Amendment to Senate Bill No. 319, third reading copy, as follows:

1. Page 2, line 9.

Following: "appropriation"

Insert: "or authorized budget amendment"

AND AS AMENDED,
BE CONCURRED IN

HOUSE OF REPRESENTATIVES

April 16, 1979

Committee of the Whole amendments to SENATE BILL NO. 319, third reading copy.

1. Title, lines 4 and 5.

Following: "AN ACT"

Strike: "TO PROVIDE FOR A TWO-THIRDS VOTE OF EACH HOUSE FOR APPROVAL OF"

Insert: "PERTAINING TO"

2. Title, line 6.

Following: "APPROPRIATIONS"

Strike: "EXCEPT IN EMERGENCY SITUATIONS"

3. Title, line 7.

Following: "THE"

Strike: "LEGISLATIVE FINANCE COMMITTEE"

Insert: "ATTORNEY GENERAL"

4. Page 1, line 24.

Following: "appropriation"

Insert: "or authorized budget amendment"

5. Page 2, line 22 through line 4 on page 3.

Strike: subsection (3) in its entirety

6. Page 3, line 21.

Following: line 20

Strike: "legislative finance committee"

Insert: "attorney general"

7. Page 3, line 24 through line 2 on page 4.

Strike: section 3 in its entirety

Re-number: subsequent section

AND AS AMENDED
BE CONCURRED IN.