

HOUSE BILL 47

Introduced by Peck

1/02	Introduced
1/02	Referred to Appropriations
1/12	Fiscal Note Requested
1/18	Fiscal Note Received
1/27	Fiscal Note Printed
3/13	Tabled in Committee

1 HOUSE BILL NO. 47
2 INTRODUCED BY PECK
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THE METHOD
5 OF APPROPRIATING MONEY FROM VARIOUS HIGHER EDUCATION FUNDS
6 AND SUBFUNDS; AMENDING SECTIONS 17-7-502 AND 17-8-101, MCA;
7 AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
10 **Section 1.** Section 17-8-101, MCA, is amended to read:
11 "17-8-101. Appropriation and disbursement of moneys
12 money from the treasury. (1) Moneys With the exception of
13 refunds authorized in subsection (4), money deposited in the
14 following funds may be paid out of the treasury only on
15 appropriation made by law:
16 (a) the general fund;
17 (b) the special revenue fund type;
18 (c) the enterprise fund type;
19 (d) the internal service fund type; and
20 (e) the capital projects fund type; and
21 (f) with---the---exception---of---refunds---authorized---in
22 subsection-(3),---shall-be-paid-out-of-the---treasury---only---on
23 appropriation---made-by-law the higher education unrestricted
24 subfund, designated subfund, student loan fund, and plant
25 fund.

1 (2) Moneys Money deposited in the following funds may
2 be paid out of the treasury under general laws, or contracts
3 entered into in pursuance of law, permitting such
4 disbursement:
5 (a) the debt service fund type;
6 (b) the expendable trust fund type;
7 (c) the nonexpendable trust fund type;
8 (d) the pension trust fund type; and
9 (e) the agency fund type; and
10 (f) may---be---paid---out---of---the---treasury---under---general
11 laws---or---contracts---entered---into---in---pursuance---of---law,
12 permitting---such-disbursement the higher education endowment
13 fund, annuity and life income fund, and agency fund.
14 (3) The higher education restricted subfund and
15 auxiliary subfund are statutorily appropriated, as provided
16 in 17-7-502, contingent upon the approval of a comprehensive
17 program budget by the board of regents by July 1 of each
18 year. The budget must contain detailed revenue and
19 expenditure items and anticipated fund balances of the
20 subfunds.
21 (3)(4) Money paid into the state treasury through
22 error or under circumstances, such that the state is not
23 legally entitled to retain it and a refund procedure is not
24 otherwise provided by law, may be refunded upon the
25 submission of a verified claim approved by the department of

administration."

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
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: 2-9-202; 2-17-105; 2-18-812;
10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;
15-25-123; 15-31-702; 15-36-112; 15-65-121; 15-70-101;
16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424;
17-5-804; 17-8-101; 19-8-504; 19-9-702; 19-9-1007;
19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
19-11-606; 19-12-301; 19-13-604; 20-4-109; 20-6-406;
20-8-111; 23-5-610; 23-5-1027; 33-31-212; 33-31-401;
37-51-501; 39-71-2504; 53-6-150; 53-24-206; 67-3-205;

75-1-1101; 75-7-305; 76-12-123; 80-2-103; 80-2-228;
82-11-136; 90-3-301; 90-3-302; 90-3-412; 90-4-215; 90-9-306;
90-15-103; section 13, House Bill No. 861, Laws of 1985; and
section 1, Chapter 454, Laws of 1987.

(4) There is a statutory appropriation to pay the
principal, interest, premiums, and costs of issuing, paying,
and securing all bonds, notes, or other obligations, as due,
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
such payments. (In subsection (3): pursuant to sec. 15, Ch.
607, L. 1987, the inclusion of 15-65-121 terminates June 30,
1989; pursuant to sec. 10, Ch. 664, L. 1987, the inclusion
of 39-71-2504 terminates June 30, 1991; and pursuant to sec.
6, Ch. 454, L. 1987, the inclusion of sec. 1, Ch. 454, L.
1987, terminates July 1, 1988.)"

Section 3. Effective date. [This act] is effective on
passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB047, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


A bill for an act entitled: "An act to provide the method of appropriating money from various higher education funds and subfunds; amending Sections 17-7-502 and 17-8-101, MCA; and providing an immediate effective date."

ASSUMPTIONS:

1. Another 1.0 FTE Budget Analyst would be necessary, paid at grade 15 first year and grade 16 second year. Office of Budget and Program Planning
2. An Accountant I position (1.0 FTE) would be necessary as well as operational expenses. Commission of Higher Education
3. Montana's Comprehensive Annual Financial Report (CAFR) presents Budget vs. Actual schedules for all funds appropriated by law (17-8-101, MCA.). Additional pages would be required to accommodate statutory changes. Department of Administration
4. The universities' designated subfunds and plant funds revenues and expenditures will require the same budget analysis each biennium as the universities' current unrestricted subfunds; thus, the SBAS data for these two funds will require a 10% increase in the data processing costs for the Legislative Interactive Budgeting System (LIBS). Legislative Fiscal Analyst
5. Audit costs would not be impacted since these costs are appropriated as line items in the general appropriation bill. Legislative Auditor

FISCAL IMPACT:

	Current	FY90 Proposed		Current	FY91 Proposed	
Expendures:	Law	Law	Difference	Law	Law	Difference
OBPP	\$30,516	\$58,637	\$ 28,121	\$30,525	\$ 61,050	\$ 30,525
CHE	-0-	25,159	25,159	-0-	24,909	24,909
D of A	-0-	925	925	-0-	-0-	-0-
LFA	10,000	10,000	-0-	10,000	11,000	1,000
TOTAL	\$40,516	\$94,721	\$ 54,205	\$40,525	\$ 96,959	\$ 56,434


 RAY SHACKLEFORD, BUDGET DIRECTOR
 OFFICE OF BUDGET AND PROGRAM PLANNING
 DATE 1/25/89


 RAY PECK, PRIMARY SPONSOR
 DATE 1/26/89

Fiscal Note for HB047, as introduced

HB 47