

HOUSE BILL 361

Introduced by Spaeth, et al.

1/23	Introduced
1/24	Referred to State Administration
1/26	Rereferred to Appropriations
2/07	Hearing
2/08	Committee Report--Bill Not Passed
2/09	Adverse Committee Report Adopted

1 *House* BILL NO. *361*
2 INTRODUCED BY *[Signature]*
3 BY REQUEST OF THE DEPARTMENT OF STATE LANDS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS
6 RELATING TO BUDGET AMENDMENTS; AUTHORIZING FIRE SUPPRESSION
7 COSTS TO BE A GENERAL FUND BUDGET AMENDMENT; AMENDING
8 SECTIONS 17-7-401 THROUGH 17-7-403; AND PROVIDING AN
9 EFFECTIVE DATE."

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

12 **Section 1.** Section 17-7-401, MCA, is amended to read:

13 "17-7-401. Definitions. As used in this part, the
14 following definitions apply:

15 (1) "Additional services" means different services or
16 more of the same services.

17 (2) "Agency" means each state office, department,
18 division, board, commission, council, committee,
19 institution, university unit, or other entity or
20 instrumentality of the executive branch, office of the
21 judicial branch, or office of the legislative branch of
22 state government.

23 (3) "Approving authority" means the governor or his
24 designated representative for executive branch agencies, the
25 chief justice of the supreme court or his designated

1 representative for judicial branch agencies, appropriate
2 legislative committees or a designated representative for
3 legislative branch agencies, or the board of regents or its
4 designated representative for the university system.

5 (4) "Budget amendment" means a legislative
6 appropriation to increase spending authority for the special
7 revenue fund, proprietary funds, or unrestricted subfund,
8 or, for fire suppression costs of the department of state
9 lands, the general fund, contingent in all cases on total
10 compliance with all budget amendment procedures.

11 (5) "Emergency" means any catastrophe, disaster,
12 calamity, or other serious unforeseen and unanticipated
13 circumstance that has occurred subsequent to the time an
14 agency's appropriation was made, which was clearly not
15 within the contemplation of the legislature and the
16 governor, and which seriously affects one or more functions
17 of a state agency and the agency's expenditure requirements
18 for the performance of the function or functions.

19 (6) "Executive branch approving authority" means the
20 governor or his designated representative.

21 (7) "Necessary" means essential to the public welfare
22 and of a nature which cannot wait until the next legislative
23 session for legislative consideration.

24 (8) "Requesting agency" means the agency of state
25 government that has requested a specific budget amendment.

(9) "University system unit" means the board of regents, office of the commissioner of higher education, university of Montana at Missoula, Montana state university at Bozeman, Montana college of mineral science and technology at Butte, eastern Montana college at Billings, northern Montana college at Havre, western Montana college at Dillon, the agricultural experiment station with central offices at Bozeman, the forestry and conservation experiment station with central offices at Missoula, the cooperative extension service with central offices at Bozeman, or the bureau of mines and geology with central offices at Butte."

Section 2. Section 17-7-402, MCA, is amended to read:

"17-7-402. Budget amendment requirements. (1) No Except as provided in subsection (4), no budget amendment may be approved:

(a) by the approving authority, except a budget amendment to spend funds which were not available for legislative consideration;

(b) by the approving authority, which contains any significant ascertainable commitment for any present or future increased general fund support;

(c) by the approving authority, for the expenditure of money in the state special revenue fund unless an emergency justifies such expenditure;

(d) by the approving authority, unless it will provide

additional services;

(e) by the approving authority, for any matter of which the requesting agency had knowledge at a time when the proposal could have been presented to an appropriation subcommittee, the house appropriations committee, or the senate finance and claims committee of the most recent legislative session open to that matter; or

(f) to extend beyond June 30 of the last year of any biennium.

(2) All budget amendments shall itemize planned expenditures by fiscal year.

(3) Each budget amendment must be submitted by the approving authority to the budget director and the office of the legislative fiscal analyst.

(4) The approving authority may approve a budget amendment from the general fund to pay the reasonable and necessary fire suppression costs and expenses incurred by the department of state lands."

Section 3. Section 17-7-403, MCA, is amended to read:

"17-7-403. Budget amendment certification. In approving a budget amendment, the approving authority shall make the following certifications and in addition shall provide all other information required below as an integral part of the certification:

(1) The approving authority shall certify that:

(a) specific additional services will be provided as a result of the expenditures to be permitted under this budget amendment and shall also list each specific service to be so provided;

(b) the specific services to be provided under this budget amendment are necessary;

(c) the agency requesting this budget amendment has no other reasonable alternative available to provide the additional services. ~~Such~~ The certification shall specifically include determinations by the approving authority that the agency cannot provide all or specific parts or amounts of the additional services with existing personnel because of the present required workload of existing personnel or that the agency is unable within its existing funding to fund all or part of ~~such~~ the additional services from any source lawfully available to it.

(d) except as authorized in 17-7-402(4), the budget amendment makes no ascertainable present or future significant commitment for increased general fund support.

(2) The approving authority shall include in its certification the specific criteria by which the effectiveness of the additional services will be evaluated and shall state a specific followup date on which the written evaluation of ~~such~~ the services, using the listed criteria, will be presented to the legislative fiscal

analyst. The written evaluation must be presented to the legislative fiscal analyst on or before that date.

(3) For budget amendments to spend money in the state special revenue fund, the approving authority shall certify that an emergency justifies the expenditure and shall state the specific nature of the emergency, the date on which the requesting agency became aware of the emergency, and the manner in which the requesting agency became aware of the emergency."

NEW SECTION. **Section 4.** Effective date. [This act] is effective July 1, 1989.

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