

SENATE BILL NO. 4
INTRODUCED BY AKLESTAD

IN THE SENATE

JANUARY 13, 1992

INTRODUCED AND REFERRED TO COMMITTEE
ON FINANCE & CLAIMS.

FIRST READING.

JANUARY 14, 1992

COMMITTEE RECOMMEND BILL
DO PASS. REPORT ADOPTED.

PRINTING REPORT.

SECOND READING, DO PASS.

ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 48; NOES, 1.

TRANSMITTED TO HOUSE.

IN THE HOUSE

JANUARY 15, 1992

INTRODUCED AND REFERRED TO COMMITTEE
ON APPROPRIATIONS.

FIRST READING.

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

SECOND READING, CONCURRED IN.

THIRD READING, CONCURRED IN.
AYES, 83; NOES, 12.

RETURNED TO SENATE.

IN THE SENATE

JANUARY 16, 1992

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO. 4

INTRODUCED BY AKLESTAD

A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A PROPOSED SUPPLEMENTAL APPROPRIATION; PROVIDING A PROCEDURE FOR THE REVIEW OF A PROPOSED SUPPLEMENTAL APPROPRIATION; AMENDING SECTION 17-7-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 17-7-301, MCA, is amended to read:

"17-7-301. Authorization to expend during first year of biennium from appropriation for second year -- proposed supplemental appropriation defined. (1) A state department, institution, or agency of the executive branch desiring authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium shall ~~make-application-for-such authorization~~ submit a proposed supplemental appropriation to the governor through the budget director. If the governor finds that, due to an unforeseen and unanticipated emergency, the amount actually appropriated for the first fiscal year of the biennium with all other income will be insufficient for the operation and maintenance of said department, institution, or agency during the year for which

the appropriation was made, he ~~may~~ shall, after careful study and examination of the request and upon review of the recommendation of the budget director, submit the proposed supplemental appropriation to the legislative fiscal analyst. Upon receipt of the recommendation of the legislative finance committee pursuant to [section 2], the governor may authorize an expenditure during the first fiscal year of the biennium to be made from the appropriation for the second fiscal year of the biennium.

(2) The department, institution, or agency may expend the amount authorized by the governor only for the purposes specified in the authorization.

(3) The governor shall report to the next legislature in a special section of the budget the amounts expended as a result of all such authorizations granted by him and shall request that any necessary supplemental appropriation bills be passed.

(4) As used in this part, "proposed supplemental appropriation" means an application for authorization to make expenditures during the first fiscal year of the biennium from appropriations for the second fiscal year of the biennium."

NEW SECTION. **Section 2.** Proposed supplemental appropriation -- procedure. (1) A proposed supplemental appropriation and all supporting documentation must be

1 submitted to the legislative fiscal analyst. The governor
2 may not approve a proposed supplemental appropriation until
3 the governor receives the legislative finance committee's
4 written report for that proposed supplemental appropriation
5 unless:

6 (a) the report is not received within 90 calendar days
7 from the date the proposed supplemental appropriation and
8 supporting documentation were forwarded to the legislative
9 finance committee, in which case the governor may approve
10 the proposed supplemental appropriation; or

11 (b) there has been a waiver of the review and report
12 requirements, as provided in subsection (4).

13 (2) The legislative fiscal analyst shall review each
14 proposed supplemental appropriation submitted by the
15 governor for compliance with statutory requirements and
16 standards and shall present a written report of this review
17 to the legislative finance committee. Within 10 days after
18 the legislative finance committee's consideration of the
19 proposed supplemental appropriation, the legislative fiscal
20 analyst shall submit the legislative finance committee's
21 report to the governor.

22 (3) Upon receipt of the legislative finance committee's
23 written report, the governor may approve or deny the
24 proposed supplemental appropriation or may return the
25 proposed supplemental appropriation to the requesting agency

1 for further information. If the governor has returned the
2 proposed supplemental appropriation to the requesting agency
3 and the requesting agency resubmits the proposed
4 supplemental appropriation to the governor, all procedures
5 provided in this section apply to the resubmitted proposed
6 supplemental appropriation.

7 (4) (a) If an emergency occurs that poses a serious
8 threat to the life, health, or safety of the public, the
9 legislative fiscal analyst may waive the written review and
10 the legislative finance committee's written report required
11 by this section. After a waiver, the legislative fiscal
12 analyst may complete the written review.

13 (b) Upon receipt of the waiver, the governor may
14 approve the proposed supplemental appropriation.

15 (c) A waiver affects only the legislative fiscal
16 analyst's written review and the legislative finance
17 committee's written report on the proposed supplemental
18 appropriation. All other proposed supplemental appropriation
19 requirements and standards remain in effect.

20 (5) Nothing in this part confers on the legislative
21 finance committee authority to approve or deny a proposed
22 supplemental appropriation."

23 NEW SECTION. **Section 3. Codification instruction.**
24 [Section 2] is intended to be codified as an integral part
25 of Title 17, chapter 7, part 3, and the provisions of Title

LC 0032/01

1 17, chapter 7, part 3, apply to [section 2].

2 NEW SECTION. **Section 4. Effective date.** [This act] is

3 effective on passage and approval.

-End-

APPROVED BY COMM. ON
FINANCE AND CLAIMS

1 SENATE BILL NO. 4
2 INTRODUCED BY HALESTAD

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT DEFINING A PROPOSED
5 SUPPLEMENTAL APPROPRIATION; PROVIDING A PROCEDURE FOR THE
6 REVIEW OF A PROPOSED SUPPLEMENTAL APPROPRIATION; AMENDING
7 SECTION 17-7-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
8 DATE."

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13 biennium from appropriation for second year -- proposed
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17 year of the biennium from appropriations for the second
18 fiscal year of the biennium shall ~~make-application-for-such~~
19 authorization submit a proposed supplemental appropriation
20 to the governor through the budget director. If the governor
21 finds that, due to an unforeseen and unanticipated
22 emergency, the amount actually appropriated for the first
23 fiscal year of the biennium with all other income will be
24 insufficient for the operation and maintenance of said
25 department, institution, or agency during the year for which

1 the appropriation was made, he ~~may~~ shall, after careful
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3 recommendation of the budget director, submit the proposed
4 supplemental appropriation to the legislative fiscal
5 analyst. Upon receipt of the recommendation of the
6 legislative finance committee pursuant to [section 2], the
7 governor may authorize an expenditure during the first
8 fiscal year of the biennium to be made from the
9 appropriation for the second fiscal year of the biennium.

10 (2) The department, institution, or agency may expend
11 the amount authorized by the governor only for the purposes
12 specified in the authorization.

13 (3) The governor shall report to the next legislature
14 in a special section of the budget the amounts expended as a
15 result of all such authorizations granted by him and shall
16 request that any necessary supplemental appropriation bills
17 be passed.

18 (4) As used in this part, "proposed supplemental
19 appropriation" means an application for authorization to
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21 biennium from appropriations for the second fiscal year of
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6 (a) the report is not received within 90 calendar days
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8 supporting documentation were forwarded to the legislative
9 finance committee, in which case the governor may approve
10 the proposed supplemental appropriation; or

11 (b) there has been a waiver of the review and report
12 requirements, as provided in subsection (4).

13 (2) The legislative fiscal analyst shall review each
14 proposed supplemental appropriation submitted by the
15 governor for compliance with statutory requirements and
16 standards and shall present a written report of this review
17 to the legislative finance committee. Within 10 days after
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19 proposed supplemental appropriation, the legislative fiscal
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1 for further information. If the governor has returned the
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7 (4) (a) If an emergency occurs that poses a serious
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9 legislative fiscal analyst may waive the written review and
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11 by this section. After a waiver, the legislative fiscal
12 analyst may complete the written review.

13 (b) Upon receipt of the waiver, the governor may
14 approve the proposed supplemental appropriation.

15 (c) A waiver affects only the legislative fiscal
16 analyst's written review and the legislative finance
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21 finance committee authority to approve or deny a proposed
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23 NEW SECTION. **Section 3.** Codification instruction.
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- 2 NEW SECTION. **Section 4. Effective date.** [This act] is
- 3 effective on passage and approval.

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There are no changes in this bill, and will not be reprinted. Please refer to yellow copy for complete text.

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