

HOUSE BILL NO. 373

INTRODUCED BY KADAS, JACOBSON

IN THE HOUSE

JANUARY 27, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
FEBRUARY 18, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 19, 1993	PRINTING REPORT.
MARCH 2, 1993	SECOND READING, DO PASS.
MARCH 3, 1993	ENGROSSING REPORT.
MARCH 5, 1993	THIRD READING, PASSED. AYES, 95; NOES, 5.
MARCH 6, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 8, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
MARCH 12, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 13, 1993	SECOND READING, CONCURRED IN.
MARCH 15, 1993	THIRD READING, CONCURRED IN. AYES, 42; NOES, 7.
	RETURNED TO HOUSE.

IN THE HOUSE

MARCH 16, 1993	RECEIVED FROM SENATE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 373
2 INTRODUCED BY Kedron Jackson
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A STATUTORY
5 APPROPRIATION FOR AUDIT COSTS; AMENDING SECTIONS 5-13-403
6 AND 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
7 DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 **Section 1.** Section 5-13-403, MCA, is amended to read:

11 "5-13-403. Audit account -- appropriation and
12 expenditures. All money for audits transferred to the
13 legislative auditor as provided in 5-13-402 must be
14 deposited in the state special revenue fund in the state
15 treasury to the credit of the office of the legislative
16 auditor. The money so deposited is hereby statutorily
17 appropriated, as provided in 17-7-502, and may be expended
18 by the legislative auditor to pay expenses incurred in
19 auditing state agencies pursuant to an operational plan
20 approved by the legislative audit committee."

21 **Section 2.** Section 17-7-502, MCA, is amended to read:

22 "17-7-502. Statutory appropriations -- definition --
23 requisites for validity. (1) A statutory appropriation is an
24 appropriation made by permanent law that authorizes spending
25 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 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;
13 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112;
14 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410;
15 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804;
16 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702;
17 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512;
18 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101;
19 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503;
20 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
21 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204;
22 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150;
23 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
24 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
25 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;

1 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

2 (4) There is a statutory appropriation to pay the
3 principal, interest, premiums, and costs of issuing, paying,
4 and securing all bonds, notes, or other obligations, as due,
5 that have been authorized and issued pursuant to the laws of
6 Montana. Agencies that have entered into agreements
7 authorized by the laws of Montana to pay the state
8 treasurer, for deposit in accordance with 17-2-101 through
9 17-2-107, as determined by the state treasurer, an amount
10 sufficient to pay the principal and interest as due on the
11 bonds or notes have statutory appropriation authority for
12 the payments. (In subsection (3): pursuant to sec. 7, Ch.
13 567, L. 1991, the inclusion of 19-6-709 terminates upon
14 death of last recipient eligible for supplemental benefit;
15 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
16 22-3-811 terminates June 30, 1993.)"

17 NEW SECTION. Section 3. Effective date. (This act) is
18 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 HB0373, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing a statutory appropriation for audit costs.

ASSUMPTIONS:

1. HB0373 would allow the Legislative Auditor's Office to respond to requests from state agencies for work outside the normal scope of agency audits (i.e., fraud investigations, comfort letters, independent assessments, work related to bond issuances) in sufficient time to meet the agencies' needs.
2. In those cases where the agencies pay for the audit work, this statutory appropriation would allow the Legislative Auditor to expend the funds received to perform the work.

FISCAL IMPACT:

HB0373, as introduced, would have no measurable net fiscal impact on the Legislative Auditor's Office or other state agencies.

TECHNICAL NOTES:

For appropriations and budgeting purposes, the bill should be effective July 1, 1993. (OBPP)

Dave Lewis 2-2-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Mike Kadas 2-2-93
MIKE KADAS, PRIMARY SPONSOR DATE

Fiscal Note for HB0373, as introduced

HB 373

APPROVED BY COMMITTEE
ON APPROPRIATIONS

HOUSE BILL NO. 373

INTRODUCED BY KADAS, JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A STATUTORY APPROPRIATION FOR CERTAIN AUDIT COSTS; AMENDING SECTIONS 5-13-403 AND 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 5-13-403, MCA, is amended to read:

"5-13-403. Audit account -- appropriation and expenditures. All money for audits transferred to the legislative auditor as provided in 5-13-402 must be deposited in the state special revenue fund in the state treasury to the credit of the office of the legislative auditor. The money so deposited THAT IS IN EXCESS OF GENERAL AND PAY PLAN APPROPRIATIONS is hereby statutorily appropriated, as provided in 17-7-502, and may be expended by the legislative auditor to pay expenses incurred in auditing state agencies pursuant to an operational plan approved by the legislative audit 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 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; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 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; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;

80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(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 the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)"

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

-End-

HOUSE BILL NO. 373

INTRODUCED BY KADAS, JACOBSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A STATUTORY APPROPRIATION FOR CERTAIN AUDIT COSTS; AMENDING SECTIONS 5-13-403 AND 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 5-13-403, MCA, is amended to read:

"5-13-403. Audit account -- appropriation and expenditures. All money for audits transferred to the legislative auditor as provided in 5-13-402 must be deposited in the state special revenue fund in the state treasury to the credit of the office of the legislative auditor. The money so deposited THAT IS IN EXCESS OF GENERAL AND PAY PLAN APPROPRIATIONS is hereby statutorily appropriated, as provided in 17-7-502, and may be expended by the legislative auditor to pay expenses incurred in auditing state agencies pursuant to an operational plan approved by the legislative audit 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 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; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 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; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;

1 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
2 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

3 (4) There is a statutory appropriation to pay the
4 principal, interest, premiums, and costs of issuing, paying,
5 and securing all bonds, notes, or other obligations, as due,
6 that have been authorized and issued pursuant to the laws of
7 Montana. Agencies that have entered into agreements
8 authorized by the laws of Montana to pay the state
9 treasurer, for deposit in accordance with 17-2-101 through
10 17-2-107, as determined by the state treasurer, an amount
11 sufficient to pay the principal and interest as due on the
12 bonds or notes have statutory appropriation authority for
13 the payments. (In subsection (3): pursuant to sec. 7, Ch.
14 567, L. 1991, the inclusion of 19-6-709 terminates upon
15 death of last recipient eligible for supplemental benefit;
16 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
17 22-3-811 terminates June 30, 1993.)"

18 NEW SECTION. Section 3. Effective date. [This act] is
19 effective on passage and approval.

-End-

1 HOUSE BILL NO. 373

2 INTRODUCED BY KADAS, JACOBSON

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A STATUTORY
5 APPROPRIATION FOR CERTAIN AUDIT COSTS; AMENDING SECTIONS
6 5-13-403 AND 17-7-502, MCA; AND PROVIDING AN IMMEDIATE
7 EFFECTIVE DATE."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 5-13-403, MCA, is amended to read:

11 "5-13-403. Audit account -- appropriation and
12 expenditures. All money for audits transferred to the
13 legislative auditor as provided in 5-13-402 must be
14 deposited in the state special revenue fund in the state
15 treasury to the credit of the office of the legislative
16 auditor. The money so deposited THAT IS IN EXCESS OF GENERAL
17 AND PAY PLAN APPROPRIATIONS is hereby statutorily
18 appropriated, as provided in 17-7-502, and may be expended
19 by the legislative auditor to pay expenses incurred in
20 auditing state agencies pursuant to an operational plan
21 approved by the legislative audit committee."

22 Section 2. Section 17-7-502, MCA, is amended to read:

23 "17-7-502. Statutory appropriations -- definition --
24 requisites for validity. (1) A statutory appropriation is an
25 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 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304;
14 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112;
15 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410;
16 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804;
17 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702;
18 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512;
19 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101;
20 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503;
21 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612;
22 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204;
23 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150;
24 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
25 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;

1 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
2 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

3 (4) There is a statutory appropriation to pay the
4 principal, interest, premiums, and costs of issuing, paying,
5 and securing all bonds, notes, or other obligations, as due,
6 that have been authorized and issued pursuant to the laws of
7 Montana. Agencies that have entered into agreements
8 authorized by the laws of Montana to pay the state
9 treasurer, for deposit in accordance with 17-2-101 through
10 17-2-107, as determined by the state treasurer, an amount
11 sufficient to pay the principal and interest as due on the
12 bonds or notes have statutory appropriation authority for
13 the payments. (In subsection (3): pursuant to sec. 7, Ch.
14 567, L. 1991, the inclusion of 19-6-709 terminates upon
15 death of last recipient eligible for supplemental benefit;
16 and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of
17 22-3-811 terminates June 30, 1993.)"

18 NEW SECTION. **Section 3. Effective date.** [This act] is
19 effective on passage and approval.

-End-