

HOUSE BILL 501

Introduced by Mercer, et al.

2/05	Introduced
2/05	Referred to Appropriations
2/05	First Reading
3/05	Hearing
3/26	Missed Transmittal Deadline

1 House BILL NO. 501  
 2 INTRODUCED BY MERRIS SURYAGODHILLANT  
 3 JOHN ANLESTAD HARP  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE  
 5 DEFINITIONS OF CURRENT FUNDING LEVEL AND MODIFIED FUNDING  
 6 LEVEL FOR BUDGETING PURPOSES; REQUIRING THAT THE BUDGET  
 7 ANALYSIS OF THE LEGISLATIVE FISCAL ANALYST AND THE EXECUTIVE  
 8 BUDGET BE BASED ON THE LEVEL OF FUNDING PROVIDED BY THE  
 9 PREVIOUS LEGISLATURE; AND AMENDING SECTIONS 5-12-303 AND  
 10 17-7-102, MCA."

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

13 **Section 1.** Section 5-12-303, MCA, is amended to read:

14 "5-12-303. Fiscal analysis information from state  
 15 agencies. (1) The legislative fiscal analyst has---the  
 16 authority--to may investigate and examine the costs and  
 17 revenues of state government activities and may examine and  
 18 obtain copies of the records, books, and files of any state  
 19 agency, including confidential records.

20 (2) When confidential records and information are  
 21 obtained from a state agency, the legislative fiscal analyst  
 22 and staff must be subject to the same penalties for  
 23 unauthorized disclosure of such the confidential records and  
 24 information provided for under the laws administered by the  
 25 state agency. The legislative fiscal analyst shall develop

1 policies to prevent the unauthorized disclosure of  
 2 confidential records and information obtained from state  
 3 agencies.

4 (3) The legislative fiscal analyst may not obtain  
 5 copies of individual income tax records protected under  
 6 15-30-303. The department of revenue shall make individual  
 7 income tax data available by a masking method that conceals  
 8 the identity of the taxpayer. The masking method may not  
 9 destroy the statistical integrity of the individual income  
 10 tax records. The masking method, including how data is  
 11 masked, must be disclosed to the legislative fiscal analyst.

12 (4) The budget director shall furnish the legislative  
 13 fiscal analyst with copies of all budget requests, at the  
 14 time of submission to the budget director as provided by  
 15 law, and if requested, all underlying and supporting  
 16 documentation.

17 (5) In the year preceding each legislative session, the  
 18 budget director shall furnish the legislative fiscal analyst  
 19 on a confidential basis:

20 (a) by December 1, a copy of the documents which  
 21 reflect the anticipated receipts and other means of  
 22 financing the budget for each fiscal year of the ensuing  
 23 biennium;

24 (b) by December 1, a preliminary budget which shall  
 25 meet the statutory requirements for submission of the budget

to the legislature;

(c) by December 3, a paper copy and an electronic copy of the documents that reflect expenditures to the second level, as provided in 17-1-102(3), by funding source and detailed by accounting entity; and

(d) by December 15, all amendments to the preliminary budget.

(6) Within 1 day after the legislative finance committee presents its budget analysis to the legislature, the budget director and the legislative fiscal analyst shall exchange expenditure and disbursement recommendations by second-level expenditure detail and by funding sources detailed by accounting entity. This information must be filed in the respective offices and be made available to the legislature and the public. In preparing the budget analysis for the next biennium for submission to the legislature, the legislative fiscal analyst shall use the current funding level and the modified funding level as defined in 17-7-102.

(7) This section does not authorize publication or public disclosure of information if the law prohibits such publication or disclosure."

**Section 2.** Section 17-7-102, MCA, is amended to read:

"17-7-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Additional services" means different services or

more of the same services.

(2) "Agency" means each state office, department, division, board, commission, council, committee, institution, university unit, or other entity or instrumentality of the executive branch, office of the judicial branch, or office of the legislative branch of state government, except for purposes of capital projects administered by the department of administration, for which institutions are treated as one department and university units as one system.

(3) "Approved long-range building program budget amendment" means approval by the budget director of a request submitted through the architecture and engineering division of the department of administration to transfer excess funds appropriated to a capital project within an agency to increase the appropriation of another capital project within that agency or to obtain financing to expand a project with funds that were not available for consideration by the legislature.

(4) "Approving authority" means:

(a) the governor or his the governor's designated representative for executive branch agencies;

(b) the chief justice of the supreme court or his the chief justice's designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(5) "Budget amendment" means a legislative appropriation to increase spending authority for the special revenue fund, proprietary funds, or unrestricted subfund, contingent on total compliance with all budget amendment procedures.

(6) "Current funding level" means that level of funding ~~required--to--maintain--operations--and--services--at--the--level~~ authorized by the previous legislature, after adjustment for inflation actually spent by the agency in the first year of the prior biennium and actual appropriations by the legislature for the second year of the biennium. Expenditures and appropriations for nonrecurring expenses may be excluded from the current funding level base. The current funding level for an agency may not exceed the total of actual expenditures from appropriations authorized by the legislature in the first year of the prior biennium and actual appropriations by the legislature for the second year of the biennium.

(7) "Effectiveness measure" means a criterion for

measuring the degree to which the objective sought is attained.

(8) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time an agency's appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency's expenditure requirements for the performance of the function or functions.

(9) "Modified funding level" means the current funding level as adjusted to reflect workload increases, the provision of new services, schedules or formulas that increase or decrease funding requirements, inflationary adjustments, personal services benefit increases, or changes in authorized funding. Any amount in excess of the total current funding level must be presented as a modified funding level.

(10) "Necessary" means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(11) "Priority listing" means a ranking of proposed expenditures in order of importance.

(12) "Program" means a combination of resources and activities designed to achieve an objective or objectives.

1       (13) "Program size" means the magnitude of a program,  
2 such as the size of clientele served, or the volume of  
3 service in relation to the population or area--etc.

4       (14) "Program size indicator" means a measure to  
5 indicate the magnitude of a program.

6       (15) "Requesting agency" means the agency of state  
7 government that has requested a specific budget amendment.

8       (16) "University system unit" means the board of regents  
9 of higher education, office of the commissioner of higher  
10 education, university of Montana at Missoula, Montana state  
11 university at Bozeman, Montana college of mineral science  
12 and technology at Butte, eastern Montana college at  
13 Billings, northern Montana college at Havre, western Montana  
14 college of the university of Montana at Dillon, the  
15 agricultural experiment station with central offices at  
16 Bozeman, the forest and conservation experiment station with  
17 central offices at Missoula, the cooperative extension  
18 service with central offices at Bozeman, the bureau of mines  
19 and geology with central offices at Butte, the fire services  
20 training school at Great Falls, the vocational-technical  
21 centers at Billings, Butte, Great Falls, Helena, and  
22 Missoula, or the community colleges at Miles City, Glendive,  
23 and Kalispell."

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