

1 HOUSE BILL NO. 43

2 INTRODUCED BY TASH

3 BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES
45 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A BUDGET AMENDMENT FOR REVENUE
6 RESULTING FROM THE SALE OF GOODS PRODUCED OR MANUFACTURED BY THE INDUSTRIES PROGRAM
7 OF AN INSTITUTION WITHIN THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES; AMENDING
8 SECTION 17-7-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
910 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1112 **Section 1.** Section 17-7-402, MCA, is amended to read:13 "17-7-402. **Budget amendment requirements.** (1) Except as provided in
14 subsection (6), a budget amendment may not be approved:

15 (a) by the approving authority, except a budget amendment to spend;

16 (i) additional federal revenue;₂17 (ii) additional tuition collected by the Montana university system;₂18 (iii) additional revenue deposited in the internal service funds within the
19 department or the office of the commissioner of higher education as a result of
20 increased service demands by state agencies;₂21 (iv) Montana historical society enterprise revenue resulting from sales to the
22 public;₂23 (v) additional revenue that is deposited in funds, other than the general fund,
24 and that is from the sale of fuel for those agencies participating in the Montana
25 public vehicle fueling program established by Executive Order 22-91;₂26 (vi) revenue resulting from the sale of goods produced or manufactured by the
27 industries program of an institution within the department of corrections and human
28 services; or29 (vii) a new source of revenue that was not available for legislative
30 consideration during the most recent legislative session open to that matter;

1 (b) by the approving authority, ~~which~~ if the budget amendment contains any
2 significant ascertainable commitment for any present or future increased general fund
3 support;

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

6 (d) by the approving authority, unless it will provide additional services;

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

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

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

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

15 (4) Money from nonstate or nonfederal sources that would be deposited in the
16 state special revenue fund and that is restricted by law or by the terms of a written
17 agreement, such as a contract, trust agreement, or donation, is subject to the review
18 process provided in 17-7-114 and is exempt from the requirements of this part.

19 (5) An appropriation that would usually be the subject of a budget amendment
20 that is submitted to the legislature for approval during a legislative session may not
21 include authority to spend money beyond the first fiscal year of the next biennium.

22 (6) A budget amendment to spend state funds, other than from the general fund,
23 required for matching funds in order to receive a grant is exempt from the provisions
24 of subsection (1)."

25

26 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and
27 approval.

28

-END-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

1 HOUSE BILL NO. 43

2 INTRODUCED BY TASH

3 BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A BUDGET AMENDMENT FOR REVENUE
6 RESULTING FROM THE SALE OF GOODS PRODUCED OR MANUFACTURED BY THE INDUSTRIES PROGRAM
7 OF AN INSTITUTION WITHIN THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES; AMENDING
8 SECTION 17-7-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
9

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

11
12 **Section 1.** Section 17-7-402, MCA, is amended to read:13 **"17-7-402. Budget amendment requirements.** (1) Except as provided in
14 subsection (6), a budget amendment may not be approved:

15 (a) by the approving authority, except a budget amendment to spend:

16 (i) additional federal revenue;_i17 (ii) additional tuition collected by the Montana university system;_i18 (iii) additional revenue deposited in the internal service funds within the
19 department or the office of the commissioner of higher education as a result of
20 increased service demands by state agencies;_i21 (iv) Montana historical society enterprise revenue resulting from sales to the
22 public;_i23 (v) additional revenue that is deposited in funds, other than the general fund,
24 and that is from the sale of fuel for those agencies participating in the Montana
25 public vehicle fueling program established by Executive Order 22-91;_i26 (vi) revenue resulting from the sale of goods produced or manufactured by the
27 industries program of an institution within the department of corrections and human
28 services; or29 (vii) a new source of revenue that was not available for legislative
30 consideration during the most recent legislative session open to that matter;

1 (b) by the approving authority, ~~which~~ if the budget amendment contains any
2 significant ascertainable commitment for any present or future increased general fund
3 support;

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

6 (d) by the approving authority, unless it will provide additional services;

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

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

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

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

15 (4) Money from nonstate or nonfederal sources that would be deposited in the
16 state special revenue fund and that is restricted by law or by the terms of a written
17 agreement, such as a contract, trust agreement, or donation, is subject to the review
18 process provided in 17-7-114 and is exempt from the requirements of this part.

19 (5) An appropriation that would usually be the subject of a budget amendment
20 that is submitted to the legislature for approval during a legislative session may not
21 include authority to spend money beyond the first fiscal year of the next biennium.

22 (6) A budget amendment to spend state funds, other than from the general fund,
23 required for matching funds in order to receive a grant is exempt from the provisions
24 of subsection (1)."

25

26 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and
27 approval.

28

-END-

1 HOUSE BILL NO. 43

2 INTRODUCED BY TASH

3 BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A BUDGET AMENDMENT FOR REVENUE
6 RESULTING FROM THE SALE OF GOODS PRODUCED OR MANUFACTURED BY THE INDUSTRIES PROGRAM
7 OF AN INSTITUTION WITHIN THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES; AMENDING
8 SECTION 17-7-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11
12 **Section 1.** Section 17-7-402, MCA, is amended to read:

13 **"17-7-402. Budget amendment requirements.** (1) Except as provided in
14 subsection (6), a budget amendment may not be approved:

15 (a) by the approving authority, except a budget amendment to spend;

16 (i) additional federal revenue;

17 (ii) additional tuition collected by the Montana university system;

18 (iii) additional revenue deposited in the internal service funds within the
19 department or the office of the commissioner of higher education as a result of
20 increased service demands by state agencies;

21 (iv) Montana historical society enterprise revenue resulting from sales to the
22 public;

23 (v) additional revenue that is deposited in funds, other than the general fund,
24 and that is from the sale of fuel for those agencies participating in the Montana
25 public vehicle fueling program established by Executive Order 22-91;

26 (vi) revenue resulting from the sale of goods produced or manufactured by the
27 industries program of an institution within the department of corrections and human
28 services; or

29 (vii) a new source of revenue that was not available for legislative
30 consideration during the most recent legislative session open to that matter;

1 (b) by the approving authority, ~~which~~ if the budget amendment contains any
2 significant ascertainable commitment for any present or future increased general fund
3 support;

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

6 (d) by the approving authority, unless it will provide additional services;

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

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

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

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

15 (4) Money from nonstate or nonfederal sources that would be deposited in the
16 state special revenue fund and that is restricted by law or by the terms of a written
17 agreement, such as a contract, trust agreement, or donation, is subject to the review
18 process provided in 17-7-114 and is exempt from the requirements of this part.

19 (5) An appropriation that would usually be the subject of a budget amendment
20 that is submitted to the legislature for approval during a legislative session may not
21 include authority to spend money beyond the first fiscal year of the next biennium.

22 (6) A budget amendment to spend state funds, other than from the general fund,
23 required for matching funds in order to receive a grant is exempt from the provisions
24 of subsection (1)."

25

26 **NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and
27 approval.

28

-END-

1 HOUSE BILL NO. 43

2 INTRODUCED BY TASH

3 BY REQUEST OF THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING A BUDGET AMENDMENT FOR REVENUE
6 RESULTING FROM THE SALE OF GOODS PRODUCED OR MANUFACTURED BY THE INDUSTRIES PROGRAM
7 OF AN INSTITUTION WITHIN THE DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES; AMENDING
8 SECTION 17-7-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11
12 **Section 1.** Section 17-7-402, MCA, is amended to read:

13 **"17-7-402. Budget amendment requirements.** (1) Except as provided in
14 subsection (6), a budget amendment may not be approved:

15 (a) by the approving authority, except a budget amendment to spend;

16 (i) additional federal revenue;

17 (ii) additional tuition collected by the Montana university system;

18 (iii) additional revenue deposited in the internal service funds within the
19 department or the office of the commissioner of higher education as a result of
20 increased service demands by state agencies;

21 (iv) Montana historical society enterprise revenue resulting from sales to the
22 public;

23 (v) additional revenue that is deposited in funds, other than the general fund,
24 and that is from the sale of fuel for those agencies participating in the Montana
25 public vehicle fueling program established by Executive Order 22-91;

26 (vi) revenue resulting from the sale of goods produced or manufactured by the
27 industries program of an institution within the department of corrections and human
28 services; or

29 (vii) a new source of revenue that was not available for legislative
30 consideration during the most recent legislative session open to that matter;

1 (b) by the approving authority, ~~which~~ if the budget amendment contains any
2 significant ascertainable commitment for any present or future increased general fund
3 support;

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

6 (d) by the approving authority, unless it will provide additional services;

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

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

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

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

15 (4) Money from nonstate or nonfederal sources that would be deposited in the
16 state special revenue fund and that is restricted by law or by the terms of a written
17 agreement, such as a contract, trust agreement, or donation, is subject to the review
18 process provided in 17-7-114 and is exempt from the requirements of this part.

19 (5) An appropriation that would usually be the subject of a budget amendment
20 that is submitted to the legislature for approval during a legislative session may not
21 include authority to spend money beyond the first fiscal year of the next biennium.

22 (6) A budget amendment to spend state funds, other than from the general fund,
23 required for matching funds in order to receive a grant is exempt from the provisions
24 of subsection (1)."

25

26 NEW SECTION. Section 2. Effective date. [This act] is effective on passage and
27 approval.

28

-END-