

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

House BILL NO. 577

INTRODUCED BY Kedra Jank

BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHEN THE LEGISLATURE IS IN SESSION, IT MAY REVIEW MONEY FROM A NONSTATE OR NONFEDERAL SOURCE THAT WOULD BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND AND THAT IS RESTRICTED BY LAW OR BY THE TERMS OF A CONTRACT, A TRUST AGREEMENT, OR A DONATION OF \$5,000 OR MORE THAT IS ACCOMPANIED BY A WRITTEN AGREEMENT; AMENDING SECTION 17-7-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 17-7-114, MCA, is amended to read:

**"17-7-114. Criteria for acceptance and expenditure of certain nonstate and nonfederal money. (1)**

Before an agency may expend money from a nonstate or nonfederal source that would be deposited in the state special revenue fund and that is restricted by law or by the terms of a contract, a trust agreement, or a donation of \$5,000 or more that is accompanied by a written agreement, the approving authority for the agency shall submit to the legislative finance committee or the legislature if it is in session a copy of the agreement and a certification containing:

- (a) the specific service that will be provided;
- (b) the proposed duration of the agreement; and
- (c) a statement concerning the degree to which the agreement may result in an ascertainable present or future commitment for general fund support.

(2) The legislative fiscal analyst shall review the agreement and certification to ensure that:

- (a) the proposed use of the money has not been specifically disapproved by the legislature;
- (b) the terms of the agreement are not contrary to state law; and
- (c) the agreement will not result in an ascertainable present or future commitment for general fund support.

(3) (a) The legislative fiscal analyst shall present a written report of each review that is conducted

1 to the legislative finance committee or the legislature if it is in session.

2 (b) Within 10 days after the meeting of the legislative finance committee that considered the  
3 proposed agreement and certification, the legislative fiscal analyst shall submit the committee's written  
4 report to the approving authority.

5 (c) A written report from a legislative committee is not required if the proposed agreement and  
6 certification are considered by the legislature.

7 (4) Upon receipt of the legislative finance committee's report, the approving authority may approve  
8 or deny the proposed agreement, taking into consideration the legislative finance committee's report.

9 (5) If an emergency occurs that poses a serious threat to the life, health, or safety of the public  
10 or if the legislative fiscal analyst determines that a review is not necessary, the legislative fiscal analyst may  
11 waive the written review and the legislative finance committee's written report provided for by this section.  
12 Upon receipt of the waiver, the approving authority may approve or deny the proposed agreement upon  
13 completion of the certification. The waiver, however, affects only the legislative fiscal analyst's written  
14 review and the legislative finance committee's written report. All other requirements and standards remain  
15 in effect. After the waiver, the legislative fiscal analyst may complete the written review.

16 (6) Nothing in this section confers any authority on the legislative finance committee to approve  
17 or deny the proposed agreement."  
18

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

20

-END-

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

House BILL NO. 577

INTRODUCED BY Kedus Jank

BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHEN THE LEGISLATURE IS IN SESSION, IT MAY REVIEW MONEY FROM A NONSTATE OR NONFEDERAL SOURCE THAT WOULD BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND AND THAT IS RESTRICTED BY LAW OR BY THE TERMS OF A CONTRACT, A TRUST AGREEMENT, OR A DONATION OF \$5,000 OR MORE THAT IS ACCOMPANIED BY A WRITTEN AGREEMENT; AMENDING SECTION 17-7-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 17-7-114, MCA, is amended to read:

**"17-7-114. Criteria for acceptance and expenditure of certain nonstate and nonfederal money. (1)**

Before an agency may expend money from a nonstate or nonfederal source that would be deposited in the state special revenue fund and that is restricted by law or by the terms of a contract, a trust agreement, or a donation of \$5,000 or more that is accompanied by a written agreement, the approving authority for the agency shall submit to the legislative finance committee or the legislature if it is in session a copy of the agreement and a certification containing:

- (a) the specific service that will be provided;
- (b) the proposed duration of the agreement; and
- (c) a statement concerning the degree to which the agreement may result in an ascertainable present or future commitment for general fund support.

(2) The legislative fiscal analyst shall review the agreement and certification to ensure that:

- (a) the proposed use of the money has not been specifically disapproved by the legislature;
- (b) the terms of the agreement are not contrary to state law; and
- (c) the agreement will not result in an ascertainable present or future commitment for general fund support.

(3) (a) The legislative fiscal analyst shall present a written report of each review that is conducted

1 to the legislative finance committee or the legislature if it is in session.

2 (b) Within 10 days after the meeting of the legislative finance committee that considered the  
3 proposed agreement and certification, the legislative fiscal analyst shall submit the committee's written  
4 report to the approving authority.

5 (c) A written report from a legislative committee is not required if the proposed agreement and  
6 certification are considered by the legislature.

7 (4) Upon receipt of the legislative finance committee's report, the approving authority may approve  
8 or deny the proposed agreement, taking into consideration the legislative finance committee's report.

9 (5) If an emergency occurs that poses a serious threat to the life, health, or safety of the public  
10 or if the legislative fiscal analyst determines that a review is not necessary, the legislative fiscal analyst may  
11 waive the written review and the legislative finance committee's written report provided for by this section.  
12 Upon receipt of the waiver, the approving authority may approve or deny the proposed agreement upon  
13 completion of the certification. The waiver, however, affects only the legislative fiscal analyst's written  
14 review and the legislative finance committee's written report. All other requirements and standards remain  
15 in effect. After the waiver, the legislative fiscal analyst may complete the written review.

16 (6) Nothing in this section confers any authority on the legislative finance committee to approve  
17 or deny the proposed agreement."

18

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

20

-END-

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

House BILL NO. 577  
INTRODUCED BY Kedus Jank  
BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHEN THE LEGISLATURE IS IN SESSION, IT MAY REVIEW MONEY FROM A NONSTATE OR NONFEDERAL SOURCE THAT WOULD BE DEPOSITED IN THE STATE SPECIAL REVENUE FUND AND THAT IS RESTRICTED BY LAW OR BY THE TERMS OF A CONTRACT, A TRUST AGREEMENT, OR A DONATION OF \$5,000 OR MORE THAT IS ACCOMPANIED BY A WRITTEN AGREEMENT; AMENDING SECTION 17-7-114, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**Section 1.** Section 17-7-114, MCA, is amended to read:

**"17-7-114. Criteria for acceptance and expenditure of certain nonstate and nonfederal money. (1)**

Before an agency may expend money from a nonstate or nonfederal source that would be deposited in the state special revenue fund and that is restricted by law or by the terms of a contract, a trust agreement, or a donation of \$5,000 or more that is accompanied by a written agreement, the approving authority for the agency shall submit to the legislative finance committee or the legislature if it is in session a copy of the agreement and a certification containing:

(a) the specific service that will be provided;

(b) the proposed duration of the agreement; and

(c) a statement concerning the degree to which the agreement may result in an ascertainable present or future commitment for general fund support.

(2) The legislative fiscal analyst shall review the agreement and certification to ensure that:

(a) the proposed use of the money has not been specifically disapproved by the legislature;

(b) the terms of the agreement are not contrary to state law; and

(c) the agreement will not result in an ascertainable present or future commitment for general fund support.

(3) (a) The legislative fiscal analyst shall present a written report of each review that is conducted

1 to the legislative finance committee or the legislature if it is in session.

2 (b) Within 10 days after the meeting of the legislative finance committee that considered the  
3 proposed agreement and certification, the legislative fiscal analyst shall submit the committee's written  
4 report to the approving authority.

5 (c) A written report from a legislative committee is not required if the proposed agreement and  
6 certification are considered by the legislature.

7 (4) Upon receipt of the legislative finance committee's report, the approving authority may approve  
8 or deny the proposed agreement, taking into consideration the legislative finance committee's report.

9 (5) If an emergency occurs that poses a serious threat to the life, health, or safety of the public  
10 or if the legislative fiscal analyst determines that a review is not necessary, the legislative fiscal analyst may  
11 waive the written review and the legislative finance committee's written report provided for by this section.  
12 Upon receipt of the waiver, the approving authority may approve or deny the proposed agreement upon  
13 completion of the certification. The waiver, however, affects only the legislative fiscal analyst's written  
14 review and the legislative finance committee's written report. All other requirements and standards remain  
15 in effect. After the waiver, the legislative fiscal analyst may complete the written review.

16 (6) Nothing in this section confers any authority on the legislative finance committee to approve  
17 or deny the proposed agreement."

18

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

20

-END-

## 1 HOUSE BILL NO. 577

2 INTRODUCED BY KADAS, ZOOK

3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHEN THE LEGISLATURE IS IN SESSION,  
6 IT MAY REVIEW MONEY FROM A NONSTATE OR NONFEDERAL SOURCE THAT WOULD BE DEPOSITED  
7 IN THE STATE SPECIAL REVENUE FUND AND THAT IS RESTRICTED BY LAW OR BY THE TERMS OF A  
8 CONTRACT, A TRUST AGREEMENT, OR A DONATION OF \$5,000 OR MORE THAT IS ACCOMPANIED BY  
9 A WRITTEN AGREEMENT; AMENDING SECTION 17-7-114, MCA; AND PROVIDING AN IMMEDIATE  
10 EFFECTIVE DATE."

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

13  
14 **Section 1.** Section 17-7-114, MCA, is amended to read:

15 **"17-7-114. Criteria for acceptance and expenditure of certain nonstate and nonfederal money. (1)**

16 Before an agency may expend money from a nonstate or nonfederal source that would be deposited in the  
17 state special revenue fund and that is restricted by law or by the terms of a contract, a trust agreement,  
18 or a donation of \$5,000 or more that is accompanied by a written agreement, the approving authority for  
19 the agency shall submit to the legislative finance committee or the legislature if it is in session a copy of  
20 the agreement and a certification containing:

21 (a) the specific service that will be provided;

22 (b) the proposed duration of the agreement; and

23 (c) a statement concerning the degree to which the agreement may result in an ascertainable  
24 present or future commitment for general fund support.

25 (2) The legislative fiscal analyst shall review the agreement and certification to ensure that:

26 (a) the proposed use of the money has not been specifically disapproved by the legislature;

27 (b) the terms of the agreement are not contrary to state law; and

28 (c) the agreement will not result in an ascertainable present or future commitment for general fund  
29 support.

30 (3) (a) The legislative fiscal analyst shall present a written report of each review that is conducted

1 to the legislative finance committee or the legislature if it is in session.

2 (b) Within 10 days after the meeting of the legislative finance committee that considered the  
3 proposed agreement and certification, the legislative fiscal analyst shall submit the committee's written  
4 report to the approving authority.

5 (c) A written report from a legislative committee is not required if the proposed agreement and  
6 certification are considered by the legislature.

7 (4) Upon receipt of the legislative finance committee's report, the approving authority may approve  
8 or deny the proposed agreement, taking into consideration the legislative finance committee's report.

9 (5) If an emergency occurs that poses a serious threat to the life, health, or safety of the public  
10 or if the legislative fiscal analyst determines that a review is not necessary, the legislative fiscal analyst may  
11 waive the written review and the legislative finance committee's written report provided for by this section.  
12 Upon receipt of the waiver, the approving authority may approve or deny the proposed agreement upon  
13 completion of the certification. The waiver, however, affects only the legislative fiscal analyst's written  
14 review and the legislative finance committee's written report. All other requirements and standards remain  
15 in effect. After the waiver, the legislative fiscal analyst may complete the written review.

16 (6) Nothing in this section confers any authority on the legislative finance committee to approve  
17 or deny the proposed agreement."

18

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

20

-END-