

1 SENATE BILL NO. 30

2 INTRODUCED BY LYNCH

3 BY REQUEST OF THE LEGISLATIVE COUNCIL

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT A STATEMENT OF
6 LEGISLATIVE INTENT BE INCLUDED IN A BILL DELEGATING RULEMAKING AUTHORITY TO AN AGENCY;
7 AMENDING SECTION 17-7-138, MCA; REPEALING SECTIONS 5-4-401, 5-4-402, 5-4-403, AND 5-4-404,
8 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 17-7-138, MCA, is amended to read:

13 **"17-7-138. Operating budget.** (1) Expenditures by a state agency must be made in substantial
14 compliance with an operating budget approved by an approving authority. Substantial compliance means
15 that a first-level category in the operating budget may not be exceeded by more than 5%. Except as
16 provided in subsection (2), the expenditure of money appropriated in the general appropriations act is
17 contingent upon approval of an operating budget by August 1 of each fiscal year. An approved original
18 operating budget must comply with state law ~~and any statement of intent adopted as part of a bill.~~

19 (2) The expenditure of money appropriated in the general appropriations act to the university
20 system units, as defined in 17-7-102, is contingent upon approval of an operating budget by October 1 of
21 each fiscal year. All other requirements in this section apply to the university system.

22 (3) The operating budget for money appropriated by the general appropriations act must be
23 separate from the operating budget for money appropriated by another law except a law appropriating
24 money for the state pay plan or any portion of the state pay plan. Each operating budget must include
25 expenditures for each agency program, detailed at least by first-level categories as provided in 17-1-102(3).
26 Each agency shall record its operating budget and any approved changes on the statewide budget and
27 accounting system. Forms used for changing an operating budget must reference the current, complete,
28 and approved operating budget, show the proposed changes to the operating budget, and reference any
29 other pending documents to change the operating budget."

30

1 NEW SECTION. **Section 2. Repealer.** Sections 5-4-401, 5-4-402, 5-4-403, and 5-4-404, MCA,
2 are repealed.

3

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

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REFERENCE BILL

1 NEW SECTION. SECTION 2. RULEMAKING AUTHORITY. A STATUTE DELEGATING RULEMAKING
2 AUTHORITY TO AN AGENCY MUST CONTAIN SPECIFIC GUIDELINES DESCRIBING FOR THE AGENCY AND
3 THE PUBLIC WHAT THE RULES MAY AND MAY NOT CONTAIN.

4

5 NEW SECTION. SECTION 3. CODIFICATION INSTRUCTION. [SECTION 2] IS INTENDED TO BE
6 CODIFIED AS AN INTEGRAL PART OF TITLE 5, CHAPTER 4, PART 1, AND THE PROVISIONS OF TITLE
7 5, CHAPTER 4, PART 1, APPLY TO [SECTION 2].

8

9 NEW SECTION. Section 4. Repealer. Sections 5-4-401, 5-4-402, 5-4-403, and 5-4-404, MCA,
10 are repealed.

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12 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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