

## SENATE BILL NO. 86

INTRODUCED BY ZOOK

BY REQUEST OF THE OFFICE OF BUDGET AND PROGRAM PLANNING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ACCOUNTING, BUDGETING, AND APPROPRIATION LAWS; AUTHORIZING STATE SPECIAL AND OTHER FEDERAL FUND SWITCHES; CHANGING THE DATE FOR STATE AGENCIES TO ANNUALLY REPORT ACCOUNTING INFORMATION TO THE LEGISLATIVE FINANCE COMMITTEE; CLARIFYING THE CALCULATION OF BALANCED FINANCIAL PLANS THAT REDUCE THE PROPOSED BASE BUDGET FOR AGENCIES WITH MORE THAN 20 FTE; PROVIDING BUDGET AMENDMENT EXCEPTIONS FOR STATE SPECIAL REVENUE; AMENDING SECTIONS 17-2-108, 17-2-304 ~~AND~~, 17-7-111, AND 17-7-402, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**SECTION 1. SECTION 17-2-108, MCA, IS AMENDED TO READ:**

**"17-2-108. Expenditure of nongeneral fund money first.** (1) Except for the exemptions applicable to the Montana historical society in 22-3-114(5) and the Montana state library in 22-1-226(5), an office or entity of the executive, legislative, or judicial branch of state government shall apply expenditures against appropriated nongeneral fund money whenever possible before using general fund appropriations.

(2) The approving authority, as defined in 17-7-102, shall authorize the decrease of the general fund appropriation of an agency by the amount of money received from federal sources in excess of the appropriation in an appropriation act unless the decrease is contrary to federal law, federal rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If directed by an appropriation act, the approving authority shall decrease the general fund appropriation of an agency by the amount of money received from nonfederal sources in excess of the appropriation unless the decrease is contrary to state law, state rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If the general fund appropriation of an agency is decreased pursuant to this section, the appropriation for the fund in which the money is received is increased in the amount of the general fund decrease.

1       (3) If directed by an appropriation act, the approving authority may decrease a state special revenue,  
2       proprietary, or other funds appropriation of an agency by the amount of money received from federal sources  
3       in excess of the appropriation unless the decrease is contrary to state or federal law or federal rule. The  
4       appropriation for the fund in which the money is received is decreased by the amount of the federal special  
5       revenue increase allowed by law, rule, or contract and approved for the purpose."

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7       **Section 2.** Section 17-2-304, MCA, is amended to read:

8       **"17-2-304. Reports required.** (1) The approving authority for a state agency shall annually report in  
9       writing to the legislative finance committee by ~~August 4~~ September 15:

10       (a) each state agency that had a cash balance in a state charge for services fund contrary to the  
11       limitation provided in 17-2-302(1) during the previous 12 months;

12       (b) the facts certified for each state agency by the approving authority pursuant to 17-2-302(2);

13       (c) each state agency that has complied with the requirements of 17-2-303 and the circumstances of  
14       the agency's compliance; and

15       (d) each state agency that has not complied with 17-2-303 and the circumstances of the agency's  
16       noncompliance.

17       (2) The director of the department of administration shall report to the legislature at the time and in the  
18       manner required by 5-11-210 a list of each local government entity that had a balance in a local charge for  
19       services fund contrary to the limitation provided by 17-2-302(1) or that failed to reduce the charge as provided  
20       in 17-2-303, or both, during the previous 12 months."

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22       **Section 3.** Section 17-7-111, MCA, is amended to read:

23       **"17-7-111. Preparation of state budget -- agency program budgets -- form distribution and**  
24       **contents.** (1) (a) To prepare a state budget, the executive branch, the legislature, and the citizens of the state  
25       need information that is consistent and accurate. Necessary information includes detailed disbursements by fund  
26       type for each agency and program for the appropriate time period, recommendations for creating a balanced  
27       budget, and recommended disbursements and estimated receipts by fund type and fund category.

28       (b) Subject to the requirements of this chapter, the budget director and the legislative fiscal analyst shall  
29       by agreement:

30       (i) establish necessary standards, formats, and other matters necessary to share information between

1 the agencies and to ensure that information is consistent and accurate for the preparation of the state's budget;  
2 and

3 (ii) provide for the collection and provision of budgetary and financial information that is in addition to  
4 or different from the information otherwise required to be provided pursuant to this section.

5 (2) In the preparation of a state budget, the budget director shall, not later than the date specified in  
6 17-7-112(1), distribute to all agencies the proper forms and instructions necessary for the preparation of budget  
7 estimates by the budget director. These forms must be prescribed by the budget director to procure the  
8 information required by subsection (3). The forms must be submitted to the budget director by the date provided  
9 in 17-7-112(2)(a) or the agency's budget is subject to preparation based upon estimates as provided in  
10 17-7-112(5). The budget director may refuse to accept forms that do not comply with the provisions of this  
11 section or the instructions given for completing the forms.

12 (3) The agency budget request must set forth a balanced financial plan for the agency completing the  
13 forms for each fiscal year of the ensuing biennium. The plan must consist of:

14 (a) a consolidated agency budget summary of funds subject to appropriation or enterprise funds that  
15 transfer profits to the general fund or to an account subject to appropriation for the current base budget  
16 expenditures, including statutory appropriations, and for each present law adjustment and new proposal request  
17 setting forth the aggregate figures of the full-time equivalent personnel positions (FTE) and the budget, showing  
18 a balance between the total proposed disbursements and the total anticipated receipts, together with the other  
19 means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding  
20 figures for the last completed fiscal year and the fiscal year in progress;

21 (b) a schedule of the actual and projected receipts, disbursements, and solvency of each fund for the  
22 current biennium and estimated for the subsequent biennium;

23 (c) a statement of the agency mission and a statement of goals and objectives for each program of the  
24 agency. The goals and objectives must include, in a concise form, sufficient specific information and quantifiable  
25 information to enable the legislature to formulate an appropriations policy regarding the agency and its programs  
26 and to allow a determination, at some future date, on whether the agency has succeeded in attaining its goals  
27 and objectives.

28 (d) actual FTE and disbursements for the completed fiscal year of the current biennium, estimated FTE  
29 and disbursements for the current fiscal year, and the agency's request for the ensuing biennium, by program;

30 (e) actual disbursements for the completed fiscal year of the current biennium, estimated disbursements

1 for the current fiscal year, and the agency's recommendations for the ensuing biennium, by disbursement  
2 category;

3 (f) for only agencies with more than 20 FTE, a plan to reduce the proposed base budget for the general  
4 appropriations act and the proposed state pay plan to 95% of the current base budget or lower if directed by the  
5 budget director. Each agency plan must include base budget reductions that reflect the required percentage  
6 reduction by fund type for the general fund and state special revenue fund types. Exempt from the calculations  
7 of the 5% target amounts are legislative audit costs, administratively attached entities that hire their own staff  
8 under 2-15-121, and state special revenue accounts that do not transfer their investment earnings or fund  
9 balances to the general fund. The plan must include:

10 (i) a prioritized list of services that would be eliminated or reduced;

11 (ii) for each service included in the prioritized list, the savings that would result from the elimination or  
12 reduction; and

13 (iii) the consequences or impacts of the proposed elimination or reduction of each service.

14 (g) a reference for each new information technology proposal stating whether the new proposal is  
15 included in the approved agency information technology plan as required in 2-17-523; and

16 (h) other information the budget director feels is necessary for the preparation of a budget.

17 (4) The budget director shall prepare and submit to the legislative fiscal analyst in accordance with  
18 17-7-112:

19 (a) detailed recommendations for the state long-range building program. Each recommendation must  
20 be presented by institution, agency, or branch, by funding source, with a description of each proposed project.

21 (b) a statewide summary of recommendations for information technology projects and new initiatives.  
22 Each recommendation must be presented by institution, agency, or branch and by funding source, and  
23 recommendations for major new information technology projects must contain the information identified in  
24 2-17-526.

25 (c) the proposed pay plan schedule for all executive branch employees at the program level by fund,  
26 with the specific cost and funding recommendations for each agency. Submission of a pay plan schedule under  
27 this subsection is not an unfair labor practice under 39-31-401.

28 (d) agency proposals for the use of cultural and aesthetic project grants under Title 22, chapter 2, part  
29 3, the renewable resource grant and loan program under Title 85, chapter 1, part 6, the reclamation and  
30 development grants program under Title 90, chapter 2, part 11, and the treasure state endowment program

under Title 90, chapter 6, part 7.

(5) The board of regents shall submit, with its budget request for each university unit in accordance with 17-7-112, a report on the university system bonded indebtedness and related finances as provided in this subsection (5). The report must include the following information for each year of the biennium, contrasted with the same information for the last completed fiscal year and the fiscal year in progress:

(a) a schedule of estimated total bonded indebtedness for each university unit by bond indenture;

(b) a schedule of estimated revenue, expenditures, and fund balances by fiscal year for each outstanding bond indenture, clearly delineating the accounts relating to each indenture and the minimum legal funding requirements for each bond indenture; and

(c) a schedule showing the total funds available from each bond indenture and its associated accounts, with a list of commitments and planned expenditures from such accounts, itemized by revenue source and project for each year of the current and ensuing bienniums.

(6) The budget director may not obtain copies of individual income tax records protected under 15-30-303. The department of revenue shall make individual income tax data available by removing names, addresses, occupations, social security numbers, and taxpayer identification numbers. The department of revenue may not alter the data in any other way. The data is subject to the same restrictions on disclosure as are individual income tax returns."

**SECTION 4. SECTION 17-7-402, MCA, IS AMENDED TO READ:**

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

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

(i) additional federal revenue;

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

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

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

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

1 (vi) revenue resulting from the sale of goods produced or manufactured by the industries program of an  
2 institution within the department of corrections; ~~or~~

3 (vii) revenue collected for the administration of the state grain laboratory under the provisions of Title  
4 80, chapter 4, part 7;

5 (viii) revenue collected for the Water Pollution Control State Revolving Fund Act under the provisions  
6 of Title 75, chapter 5, part 11;

7 (ix) revenue collected for the Drinking Water State Revolving Fund Act under the provisions of Title 75,  
8 chapter 6, part 2; or

9 (x) state special revenue adjustments required to allocate costs for leave or terminal leave within an  
10 agency in accordance with federal circular A-87;

11 (b) by the approving authority if the budget amendment contains any significant ascertainable  
12 commitment for any present or future increased general fund support;

13 (c) by the approving authority for the expenditure of money in the state special revenue fund unless an  
14 emergency justifies the expenditure or the expenditure is exempt under subsection (5);

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

16 (e) by the approving authority for any matter of which the requesting agency had knowledge at a time  
17 when the proposal could have been presented to an appropriation subcommittee, the house appropriations  
18 committee, or the senate finance and claims committee of the most recent legislative session open to that  
19 matter, except when the legislative finance committee is given specific notice by the approving authority that  
20 significant identifiable events, specific to Montana and pursuant to provisions or requirements of Montana state  
21 law, have occurred since the matter was raised with or presented for consideration by the legislature; or

22 (f) to extend beyond June 30 of the last year of any biennium, except that budget amendments for  
23 federal funds may extend to the end of the federal fiscal year.

24 (2) A general fund loan made pursuant to 17-2-107 does not constitute a significant ascertainable  
25 commitment of present general fund support.

26 (3) Subject to subsection (1)(f), all budget amendments must itemize planned expenditures by fiscal  
27 year.

28 (4) Each budget amendment must be submitted by the approving authority to the budget director and  
29 the legislative fiscal analyst.

30 (5) Money from nonstate or nonfederal sources that would be deposited in the state special revenue

1 fund and that is restricted by law or by the terms of a written agreement, such as a contract, trust agreement,  
2 or donation, is exempt from the requirements of this part.

3 (6) An appropriation for a nonrecurring item that would usually be the subject of a budget amendment  
4 must be submitted to the legislature for approval during a legislative session between January 1 and the senate  
5 hearing on the budget amendment bill. The bill may include authority to spend money in the current fiscal year  
6 and in both fiscal years of the next biennium.

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

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10 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 2003.

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