

HOUSE JOINT RESOLUTION NO. 63
INTRODUCED BY A. NOONAN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE BUDGETING AND APPROPRIATIONS PROCESSES FOLLOWED BY THE EXECUTIVE AND LEGISLATIVE BRANCHES IN MONTANA.

WHEREAS, Article VI, section 9, of the Montana Constitution requires the Governor to submit to the Legislature, at a time fixed by law, a budget for the ensuing fiscal period setting forth in detail for all operating funds the proposed expenditures and estimated revenue of the state; and

WHEREAS, Article V, section 11, of the Montana Constitution:

(1) limits each bill, except general appropriation bills and bills for the codification and general revision of the laws, to only one subject;

(2) authorizes a general appropriation bill that is limited only to appropriations for the ordinary expenses of the Legislative, Executive, and Judicial Branches, for interest on the public debt, and for public schools; and

(3) restricts the contents of every other appropriation bill to one subject; and

WHEREAS, Article VIII of the Montana Constitution broadly and generally outlines the requirements and restrictions on matters of public revenue and finance, including a balanced budget and strict accountability; and

WHEREAS, Title 17, chapter 7, MCA, provides general and specific guidance regarding the development, submission, consideration, and adoption of the state budget through a process of Executive Branch proposition and Legislative Branch disposition; and

WHEREAS, the statutes governing the state budget and the budgeting processes followed by the Executive, Legislative, and Judicial Branches of government were initially enacted more than 30 years ago; and

WHEREAS, the statutory budgeting processes have in some cases been amended piecemeal and are, at times, unclear or even conflicting; and

WHEREAS, the Legislature has an obligation to ensure that statutes are clear and that legislative processes, including the drafting and adoption of bills and rules, that are based on those statutes are legally sound; and

WHEREAS, the legislative appropriations process in Montana is founded on the principles of transparency, accountability, public notice, and public participation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Finance Committee study and make recommendations on reforms of the statutes and legislative rules guiding the development, submission, consideration, and adoption of the state's budget or direct its staff to conduct the study and identify options for the Committee's review and consideration.

BE IT FURTHER RESOLVED, that in exploring the budgeting and appropriation processes, the study:

(1) examine the legal requirements and restrictions governing budgeting and appropriations processes of state government;

(2) explore the history and development of the statutes and legislative rules that guide the budgeting and appropriations processes of state government;

(3) identify, consider, and propose options for resolving instances in which statutory provisions are unclear or in conflict;

(4) identify, consider, and propose options for resolving instances in which the Rules of the Senate or the House of Representatives or the Joint Rules of the Legislature as those rules relate to the state budget are unclear or in conflict;

(5) examine budgeting processes followed in other states, including timelines and the respective responsibilities of the Executive Branch and Legislative Branch in the processes;

(6) identify possible changes to statutes and legislative rules that would promote the objectives of efficiency, effectiveness, transparency, accountability, public notice, and public participation in the budgeting and appropriations processes; and

(7) assess the possible impacts that various changes to statutes and legislative rules might have on the primary entities involved in developing and analyzing the budget, on the legislative budgeting process, and on public participation in the budgeting process.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by the Legislative Finance Committee.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2008.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the Legislative Finance Committee, be reported to the 61st Legislature.

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