

SENATE BILL NO. 410

INTRODUCED BY R. RIPLEY

BY REQUEST OF THE SENATE FINANCE AND CLAIMS STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING TRANSFERS TO IMPLEMENT THE GENERAL APPROPRIATIONS ACT; CREATING STATE SPECIAL REVENUE ACCOUNTS AND AUTHORIZING APPROPRIATIONS PURSUANT TO THOSE ACCOUNTS IN ORDER TO IMPLEMENT CERTAIN TRANSFERS; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE."

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

NEW SECTION. Section 1. Transfer. TRANSFERS. (1) By July 1, 2013, ~~there is transferred~~ THE STATE TREASURER SHALL TRANSFER \$500,000 from the central stores account within the internal service fund to the general fund.

(2) BY JULY 1, 2013, THE STATE TREASURER SHALL TRANSFER THE FOLLOWING AMOUNTS FROM THE GENERAL FUND:

- (A) \$2 MILLION TO THE CORRECTIONS OPERATIONS ACCOUNT ESTABLISHED IN [SECTION 2];
- (B) \$2 MILLION TO THE PUBLIC HEALTH OPERATIONS ACCOUNT ESTABLISHED IN [SECTION 3];
- (C) \$7.5 MILLION TO THE GOVERNOR'S OPERATIONS ACCOUNT ESTABLISHED IN [SECTION 4];
- (D) \$2 MILLION TO THE DEPARTMENT OF LABOR AND INDUSTRY OPERATIONS ACCOUNT ESTABLISHED IN [SECTION 5].

NEW SECTION. SECTION 2. CORRECTIONS OPERATIONS ACCOUNT -- STATUTORY APPROPRIATION. (1) THERE IS A CORRECTIONS OPERATIONS ACCOUNT IN THE STATE SPECIAL REVENUE FUND. THE ACCOUNT CONSISTS OF MONEY DEPOSITED INTO THE ACCOUNT PURSUANT TO [SECTION 1(2)(A)].

(2) FUNDS IN THE ACCOUNT ARE STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE DEPARTMENT OF CORRECTIONS FOR THE BIENNIUM BEGINNING JULY 1, 2013, FOR THE PURPOSE OF FUNDING VARIOUS OPERATIONS COSTS OF THE DEPARTMENT.



1 NEW SECTION. SECTION 3. PUBLIC HEALTH OPERATIONS ACCOUNT -- STATUTORY APPROPRIATION. (1)

2 THERE IS A PUBLIC HEALTH OPERATIONS ACCOUNT IN THE STATE SPECIAL REVENUE FUND. THE ACCOUNT CONSISTS OF  
3 MONEY DEPOSITED INTO THE ACCOUNT PURSUANT TO [SECTION 1(2)(B)].

4 (2) FUNDS IN THE ACCOUNT ARE STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE DEPARTMENT  
5 OF PUBLIC HEALTH AND HUMAN SERVICES FOR THE BIENNIUM BEGINNING JULY 1, 2013, FOR THE PURPOSE OF FUNDING  
6 VARIOUS OPERATIONS, BENEFITS, AND GRANT COSTS OF THE DEPARTMENT.

7 (3) NOTWITHSTANDING THE PROVISIONS OF 17-7-402 AND 17-7-403, THE DEPARTMENT MAY ADD AUTHORITY  
8 THROUGH THE BUDGET AMENDMENT PROCESS FOR ANY FEDERAL FUNDS MATCHED BY THESE FUNDS.

9

10 NEW SECTION. SECTION 4. GOVERNOR'S OPERATIONS ACCOUNT. (1) THERE IS A GOVERNOR'S OPERATIONS  
11 ACCOUNT IN THE STATE SPECIAL REVENUE FUND. THE ACCOUNT CONSISTS OF MONEY DEPOSITED INTO THE ACCOUNT  
12 PURSUANT TO [SECTION 1(2)(C)].

13 (2) FUNDS IN THE ACCOUNT ARE STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE GOVERNOR'S  
14 OFFICE OF BUDGET AND PROGRAM PLANNING FOR THE BIENNIUM BEGINNING JULY 1, 2013, FOR THE PURPOSE OF  
15 TRANSFERRING MONEY TO THE FOLLOWING DEPARTMENTS TO FUND OPERATIONS COSTS:

16 (A) THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES;

17 (B) THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION;

18 (C) THE DEPARTMENT OF ENVIRONMENTAL QUALITY;

19 (D) THE DEPARTMENT OF ADMINISTRATION;

20 (E) THE DEPARTMENT OF COMMERCE;

21 (F) THE DEPARTMENT OF REVENUE;

22 (G) THE DEPARTMENT OF CORRECTIONS;

23 (H) THE DEPARTMENT OF LABOR AND INDUSTRY; AND

24 (I) THE GOVERNOR'S OFFICE.

25

26 NEW SECTION. SECTION 5. DEPARTMENT OF LABOR AND INDUSTRY OPERATIONS ACCOUNT. (1) THERE IS  
27 A DEPARTMENT OF LABOR AND INDUSTRY OPERATIONS ACCOUNT IN THE STATE SPECIAL REVENUE FUND. THE ACCOUNT  
28 CONSISTS OF MONEY DEPOSITED INTO THE ACCOUNT PURSUANT TO [SECTION 1(2)(D)].

29 (2) FUNDS IN THE ACCOUNT ARE STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502, TO THE DEPARTMENT  
30 OF LABOR AND INDUSTRY FOR THE BIENNIUM BEGINNING JULY 1, 2013, FOR THE PURPOSE OF FUNDING VARIOUS

1 OPERATIONS COSTS OF THE DEPARTMENT.

2

3 **SECTION 6. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

4 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
5 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
6 need for a biennial legislative appropriation or budget amendment.

7 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both  
8 of the following provisions:

9 (a) The law containing the statutory authority must be listed in subsection (3).

10 (b) The law or portion of the law making a statutory appropriation must specifically state that a statutory  
11 appropriation is made as provided in this section.

12 (3) The following laws are the only laws containing statutory appropriations: [section 4]; 2-17-105;  
13 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-3-203; 10-3-310;  
14 10-3-312; 10-3-314; 10-4-301; 15-1-121; 15-1-218; 15-31-906; 15-35-108; 15-36-332; 15-37-117; 15-39-110;  
15 15-65-121; 15-70-101; 15-70-369; 15-70-601; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241;  
16 17-6-101; 18-11-112; 19-3-319; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305;  
17 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-4-105;  
18 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-51-501; [section 5]; 39-71-503;  
19 41-5-2011; 42-2-105; 44-4-1101; 44-12-206; 44-13-102; 50-4-623; [section 3]; [section 2]; 53-1-109; 53-9-113;  
20 53-24-108; 53-24-206; 60-11-115; 61-3-415; 69-3-870; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 76-13-416;  
21 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 81-1-112; 81-7-106; 81-10-103; 82-11-161; 85-20-1504;  
22 85-20-1505; 87-1-230; 87-1-603; 87-1-621; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

23 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
24 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
25 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
26 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
27 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
28 appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
29 of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is  
30 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch.

1 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 17, Ch. 593, L. 2005, and  
 2 sec. 1, Ch. 186, L. 2009, the inclusion of 15-31-906 terminates January 1, 2015; pursuant to sec. 73, Ch. 44, L.  
 3 2007, the inclusion of 19-6-410 terminates upon the death of the last recipient eligible under 19-6-709(2) for the  
 4 supplemental benefit provided by 19-6-709; pursuant to sec. 8, Ch. 330, L. 2009, the inclusion of 87-1-621  
 5 terminates June 30, 2013; pursuant to sec. 14, Ch. 374, L. 2009, the inclusion of 53-9-113 terminates June 30,  
 6 2015; pursuant to sec. 8, Ch. 427, L. 2009, the inclusion of 87-1-230 terminates June 30, 2013; pursuant to sec.  
 7 5, Ch. 442, L. 2009, the inclusion of 90-6-331 terminates June 30, 2019; pursuant to sec. 47, Ch. 19, L. 2011,  
 8 the inclusion of 87-1-621 terminates June 30, 2013; pursuant to sec. 16, Ch. 58, L. 2011, the inclusion of  
 9 30-10-1004 terminates June 30, 2017; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of 76-13-416 terminates  
 10 June 30, 2019; and pursuant to sec. 13, Ch. 339, L. 2011, the inclusion of 81-1-112 and 81-7-106 terminates  
 11 June 30, 2017.)"

12  
 13 **NEW SECTION. SECTION 7. CODIFICATION INSTRUCTION. (1) [SECTION 2] IS INTENDED TO BE CODIFIED AS**  
 14 **AN INTEGRAL PART OF TITLE 53, AND THE PROVISIONS OF TITLE 53 APPLY TO [SECTION 2].**

15 **(2) [SECTION 3] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 50, AND THE PROVISIONS OF TITLE**  
 16 **50 APPLY TO [SECTION 3].**

17 **(3) [SECTION 4] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 2, CHAPTER 15, PART 2, AND THE**  
 18 **PROVISIONS OF TITLE 2, CHAPTER 15, PART 2, APPLY TO [SECTION 4].**

19 **(4) [SECTION 5] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 39, AND THE PROVISIONS OF TITLE**  
 20 **39 APPLY TO [SECTION 5].**

21  
 22 **NEW SECTION. SECTION 8. COORDINATION INSTRUCTION. IF HOUSE BILL NO. 2 IS PASSED AND APPROVED,**  
 23 **THE CONDITIONAL LANGUAGE ON PAGE B-8, LINES 9 THROUGH 11, OF THE REFERENCE COPY MUST READ AS FOLLOWS:**

24 **(1) SUBJECT TO SUBSECTION (2), \$60 MILLION IS UNRESTRICTED FOR USE IN PROGRAMS ADMINISTERED BY THE**  
 25 **DEPARTMENT, AND MEDICAID SERVICES -- DEVELOPMENTAL SERVICES, MEDICAID SERVICES -- HEALTH RESOURCES,**  
 26 **MEDICAID SERVICES -- SENIOR AND LONG-TERM CARE, AND MEDICAID SERVICES -- ADDICTIVE AND MENTAL DISORDERS**  
 27 **MAY BE USED ONLY TO PAY FOR MEDICAID SERVICES FOR EXISTING ELIGIBLE MEDICAID ENROLLEES FOR EXPENSES**  
 28 **RECORDED AS BENEFITS AND CLAIMS IN THE STATE ACCOUNTING SYSTEM AND MAY NOT BE TRANSFERRED TO OTHER USES**  
 29 **IN THE DEPARTMENT.**

30 **(2) THE FUNDS IN SUBSECTION (1) MAY NOT BE USED TO EXPAND THE MEDICAID PROGRAM AS ALLOWED UNDER**

1 PUBLIC LAW 111-148 AND PUBLIC LAW 111-152 TO NEWLY ELIGIBLE POPULATIONS AS DEFINED IN NFIB V. SEBELIUS,  
2 132 S. CT. 2566 (2012).

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4 NEW SECTION. Section 9. Effective date. [This act] is effective ~~July 1, 2013~~ ON PASSAGE AND  
5 APPROVAL.

6  
7 NEW SECTION. SECTION 10. TERMINATION DATE. [THIS ACT] TERMINATES JUNE 30, 2015.

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