

HOUSE BILL NO. 639

INTRODUCED BY D. BARTEL

BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE LEGISLATIVE AUDIT SPECIALIST SERVICES STATE SPECIAL REVENUE ACCOUNT; PROVIDING FOR CARRYFORWARD APPROPRIATION AUTHORITY; PROVIDING FOR A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-304 AND 17-7-502, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Legislative audit specialist services reserve account.** (1) There is an account in the state special revenue fund established by 17-2-102 to the credit of the legislative auditor to be known as the legislative audit specialist services reserve account. Money may be deposited in the account through an allocation of money to the account or as provided in 17-7-304.

(2) The money in the account is statutorily appropriated, as provided in 17-7-502, to the legislative auditor and may be used only for contracted services necessary to provide specialist expertise in support of activities authorized under this chapter.

(3) Allocations of money to the account must be approved by the legislative audit committee provided for in 5-13-201 and the balance in the account may not exceed \$50,000, not including interest earnings.

(4) The money in the account may be expended with the approval of the legislative auditor, who shall advise and consult with the legislative audit committee on the use of the money and the disposition of the account.

(5) The money in the account must be invested pursuant to Title 17, chapter 6. The income and earnings on the account must be deposited in the account.

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

**"17-7-304. Disposal of unexpended appropriations.** (1) All money appropriated for any specific purpose except that appropriated for the university system units listed in subsection (2) and except as provided



1 in subsection (4) must, after the expiration of the time for which appropriated, revert to the several funds and  
2 accounts from which originally appropriated. However, any unexpended balance in any specific appropriation may  
3 be used for the years for which the appropriation was made or may be used to fund the provisions of 2-18-1203  
4 through 2-18-1205 and 19-2-706 in the succeeding year.

5 (2) Except as provided in 17-2-108 and subsection (3) of this section, all money appropriated for the  
6 university of Montana campuses at Missoula, Butte, Dillon, and Helena and the Montana state university  
7 campuses at Bozeman, Billings, Havre, and Great Falls, the agricultural experiment station with central offices  
8 at Bozeman, the forest and conservation experiment station with central offices at Missoula, the cooperative  
9 extension service with central offices at Bozeman, and the bureau of mines and geology with central offices in  
10 Butte must, after the expiration of the time for which appropriated, revert to an account held by the board of  
11 regents. The board of regents is authorized to maintain a fund balance and to use the funds held in this account  
12 in accordance with a long-term plan for major and deferred maintenance expenditures and equipment or fixed  
13 assets purchases prepared by the affected university system units and approved by the board of regents. The  
14 affected university system units may, with the approval of the board of regents, modify the long-term plan at any  
15 time to address changing needs and priorities. The board of regents shall communicate the plan to each  
16 legislature, to the finance committee when requested by the committee, and to the office of budget and program  
17 planning.

18 (3) Subsection (2) does not apply to reversions that are the result of a reduction in spending directed  
19 by the governor pursuant to 17-7-140. Any amount that is a result of a reduction in spending directed by the  
20 governor must revert to the fund or account from which it was originally appropriated.

21 (4) (a) Subject to subsection (4)(b), after the end of a fiscal year, 30% of the money appropriated to an  
22 agency for that year by the general appropriations act for personal services, operating expenses, and equipment,  
23 by fund type, and remaining unexpended and unencumbered at the end of the year may be reappropriated to be  
24 spent during the following 2 years for any purpose, except for increases in pay, that is consistent with the goals  
25 and objectives of the agency. The dollar amount of the 30% amount that may be carried forward and spent must  
26 be determined by the office of budget and program planning.

27 (b) (i) Any portion of the 30% of the unexpended and unencumbered money referred to in subsection  
28 (4)(a) that was appropriated to a legislative branch entity may be deposited in the account established in  
29 5-11-407.

30 (ii) After the end of a biennium, any portion of the unexpended and unencumbered money appropriated

1 for the operation of the preceding legislature in a separate appropriation act may be deposited in the account  
 2 established in 5-11-407. The approving authority shall determine the portion of the unexpended and  
 3 unencumbered money that is deposited in the account.

4 (iii) Any portion of the 30% of the unexpended and unencumbered money referred to in subsection (4)(a)  
 5 that was appropriated to the legislative audit division may be deposited in the account established in [section 1].

6 (5) When the carryforward appropriation authority is established on the accounting system, and prior to  
 7 spending funds pursuant to subsection (4), an agency must report to the approving authority how those funds  
 8 will be spent in the following 2 years."

9

10 **Section 3.** Section 17-7-502, MCA, is amended to read:

11 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
 12 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the  
 13 need for a biennial legislative appropriation or budget amendment.

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

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

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

19 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120;  
 20 5-11-407; 5-13-403; [section 1]; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203;  
 21 10-3-310; 10-3-312; 10-3-314; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117;  
 22 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-112; 17-3-212;  
 23 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702;  
 24 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534;  
 25 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306;  
 26 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 37-54-113; 39-71-503;  
 27 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-6-1304; 53-9-113;  
 28 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214;  
 29 75-11-313; 75-26-308; 76-13-150; 76-13-416; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416;  
 30 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505;

1 [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.

2 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
3 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
4 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana  
5 to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state  
6 treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory  
7 appropriation authority for the payments.(In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion  
8 of 19-20-604 terminates contingently when the amortization period for the teachers' retirement system's unfunded  
9 liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and  
10 sec. 2, Ch. 459, L. 2009, the inclusion of 15-35-108 terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L.  
11 2007, the inclusion of 19-6-410 terminates contingently upon the death of the last recipient eligible under  
12 19-6-709(2) for the supplemental benefit provided by 19-6-709; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion  
13 of 76-13-416 terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of 17-3-112  
14 terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015,  
15 the inclusion of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of  
16 50-1-115 terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of 53-6-1304 terminates  
17 June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on occurrence of  
18 contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of 17-7-215 terminates June 30, 2021; pursuant  
19 to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117 terminates June 30, 2025; pursuant to sec.  
20 10, Ch. 427, L. 2015, the inclusion of 37-50-209 terminates September 30, 2019; pursuant to sec. 33, Ch. 457,  
21 L. 2015, the inclusion of 20-9-905 terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the  
22 inclusion of 37-54-113 terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304  
23 terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates  
24 June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant  
25 to secs. 5, 8, Ch. 284, L. 2017, the inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023;  
26 pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of 22-1-327 terminates July 1, 2023, and pursuant to sec. 2,  
27 Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; and pursuant to sec. 10,  
28 Ch. 374, L. 2017, the inclusion of 76-17-103 terminates June 30, 2027.)"

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30 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an

1 integral part of Title 5, chapter 13, part 4, and the provisions of Title 5, chapter 13, part 4, apply to [section 1].

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

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