

HOUSE BILL NO. 715

INTRODUCED BY L. JONES, N. BALLANCE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE BUDGET STABILIZATION
5 RESERVE FUND; REVISING PERCENTAGES FOR REDUCTIONS IN SPENDING; PROVIDING FOR A ~~TAX~~
6 FINANCIAL MODERNIZATION AND RISK ANALYSIS STUDY TO BE COMPLETED BY A ~~JOINT~~ COMMITTEE
7 OF THE REVENUE ~~AND TRANSPORTATION INTERIM AND~~ LEGISLATIVE FINANCE ~~COMMITTEES~~
8 COMMITTEE AND PUBLIC OTHER MEMBERS; DIRECTING THE LEGISLATIVE FINANCE COMMITTEE TO
9 CONDUCT A STUDY ON LONG-TERM BUDGET STABILIZATION; SETTING PARAMETERS FOR THE
10 STUDIES; PROVIDING FOR A TRANSFER OF FUNDS INTO THE BUDGET STABILIZATION RESERVE FUND;
11 PROVIDING FUND TRANSFERS; PROVIDING FOR APPROPRIATIONS; AMENDING SECTIONS 5-12-205,
12 10-3-312, 17-7-130, AND 17-7-140, MCA; PROVIDING FOR CONTINGENT VOIDNESS; AND PROVIDING
13 EFFECTIVE DATES AND A TERMINATION DATE."

14

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

16

17 **SECTION 1. SECTION 5-12-205, MCA, IS AMENDED TO READ:**18 **"5-12-205. Powers and duties of committee.** The committee:19 (1) may organize, adopt rules to govern its proceedings, form subcommittees, and meet as often as
20 necessary, upon the call of the presiding officer, to advise and consult with the legislative fiscal analyst;21 (2) may employ and, in accordance with the rules for classification and pay adopted by the legislative
22 council, set the salary of the legislative fiscal analyst. The legislative fiscal analyst shall serve at the pleasure of
23 and be responsible for providing services to the committee.

24 (3) may exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title;

25 (4) shall monitor the information technology policies of the department of administration with specific
26 attention to:

27 (a) identification of information technology issues likely to require future legislative attention; and

28 (b) the evaluation of proposed information technology policy changes and the fiscal implications of the
29 proposed changes and shall provide written responses to the department of administration communicating the
30 committee's positions and concerns on proposed policy changes;

1 (5) may accumulate, compile, analyze, and provide information relevant to existing or proposed
2 legislation on how information technology can be used to impact the welfare of the state;

3 (6) may prepare legislation to implement any proposed changes involving information technology; ~~and~~

4 (7) shall, before each regular and special legislative session involving budgetary matters, prepare
5 recommendations to the house appropriations committee and the senate finance and claims committee on the
6 application of certain budget issues. At a minimum, the recommendations must include procedures for the
7 consistent application during each session of inflation factors, the allocation of fixed costs, and the personal
8 services budget. The committee may also make recommendations on other issues of major concern in the
9 budgeting process, such as estimating the cost of implementing particular programs based upon present law;
10 and

11 (8) may, for the biennium beginning July 1, 2019, appoint up to six ad hoc nonvoting committee member
12 from the house of representative. These members may participate in meetings, but may not vote."

13

14 **SECTION 2. SECTION 10-3-312, MCA, IS AMENDED TO READ:**

15 **"10-3-312. Maximum expenditure by governor -- appropriation.** (1) Whenever a disaster or an
16 emergency, including an energy emergency as defined in 90-4-302 or an invasive species emergency declared
17 under 80-7-1013, is declared by the governor, there is statutorily appropriated to the office of the governor, as
18 provided in 17-7-502, and, subject to subsection (2), the governor is authorized to expend from the general fund
19 an amount not to exceed \$16 million in any biennium, minus any amount appropriated pursuant to 10-3-310 in
20 the same biennium. The statutory appropriation in this subsection may be used by any state agency designated
21 by the governor.

22 (2) In the event of the recovery of money expended under this section, the spending authority must be
23 reinstated to a level reflecting the recovery.

24 (3) If a disaster is declared by the president of the United States, there is statutorily appropriated to the
25 office of the governor, as provided in 17-7-502, and the governor is authorized to expend from the general fund
26 an amount not to exceed \$500,000 during the biennium to meet the state's share of the individuals and
27 households grant programs as provided in 42 U.S.C. 5174. The statutory appropriation in this subsection may
28 be used by any state agency designated by the governor.

29 (4) ~~At~~ Except as provided in subsection (5), at the end of each biennium, an amount equal to the
30 unexpended and unencumbered balance of the \$16 million statutory appropriation in subsection (1), minus any

1 amount appropriated pursuant to 10-3-310 in the same biennium, must be transferred by the state treasurer from
2 the state general fund to the fire suppression account provided for in 76-13-150.

3 (5) For the biennium ending June 30, 2019, the state treasurer shall transfer the amount calculated
4 pursuant to subsection (4) from the state general fund into the budget stabilization reserve fund established in
5 17-7-130."

6
7 **Section 3.** Section 17-7-130, MCA, is amended to read:

8 **"17-7-130. Budget stabilization reserve fund -- rules for deposits and transfers -- purpose.** (1)
9 There is an account in the state special revenue fund established by 17-2-102 known as the budget stabilization
10 reserve fund.

11 (2) The purpose of the budget stabilization reserve fund is:
12 (a) to mitigate budget reductions when there is a revenue shortfall; and
13 (b) when there are funds in excess of the ~~operating~~ reserve level, to:
14 (i) pay down the debt service on bonds for capital projects previously authorized by the legislature if
15 allowed without penalty by the terms of the bond issuance;
16 (ii) delay, forego, or reduce the amount of an issuance of bonds authorized by the legislature; and
17 (iii) allow the funds to remain in the account.

18 (3) By August 1 of each year, the department of administration shall certify to the legislative fiscal analyst
19 and the budget director the following:

20 (a) the unaudited, unassigned ending fund balance of the general fund for the prior fiscal year; and
21 (b) the amount of unaudited general fund revenue and transfers into the general fund received in the
22 prior fiscal year recorded when that fiscal year's statewide accounting, budgeting, and human resource system
23 records are closed. General fund revenue and transfers into the general fund are those recorded in the statewide
24 accounting, budgeting, and human resource system using generally accepted accounting principles in
25 accordance with 17-1-102.

26 (4) For the fiscal years beginning July 1, 2016, through July 1, 2020, if actual general fund revenue
27 exceeds the revenue estimate established pursuant to 5-5-227 for that fiscal year, excess revenue over the
28 amount of revenue that exceeds the revenue estimate by \$15 million is allocated as follows:

29 (a) 50% remains in the general fund; and
30 (b) 50% is transferred into the budget stabilization reserve fund on or before August 15 of the following

1 fiscal year.

2 (5) Starting in the fiscal year beginning July 1, 2021, the state treasurer shall transfer, by August 15 of
3 the following fiscal year:

4 ~~—— (a) if there is not an operating reserve differential, from the general fund to the budget stabilization
5 reserve fund an amount equal to 50% of the excess revenue for the fiscal year;~~

6 ~~—— (b) if there is an operating reserve differential for the fiscal year, from the general fund to the budget
7 stabilization reserve fund an amount equal to 50% of the excess revenue for the fiscal year less the operating
8 reserve differential; and~~

9 ~~—— (c) if the ending fund balance of the general fund for the prior year is less than 6.8% of the amount of
10 all general fund appropriations in the second year of the biennium, from the budget stabilization reserve fund to
11 the general fund up to one-half of the amount in the budget stabilization reserve fund in excess of the amount of
12 2% of all general fund appropriations in the second year of the biennium in the subsequent fiscal year.~~

13 (6) For the purposes of this section, the following definitions apply:

14 (a) "Adjusted revenue" means general fund revenue for the prior fiscal year plus the growth amount.

15 (b) "Excess revenue" means the amount of general fund revenue, including transfers in, for the most
16 recently completed fiscal year minus adjusted revenue.

17 (c) "Growth amount" means general fund revenue for the prior fiscal year multiplied by the growth rate.

18 (d) "Growth rate" means the average compound rate of growth of general fund revenue for the most
19 recently completed 6 fiscal years.

20 ~~—— (e) "Operating reserve differential" means a nonnegative difference from 8.3% of all general fund
21 appropriations in the second year of the biennium minus the sum of the ending fund balance for the prior year
22 and 50% of excess revenue of the prior year."~~

23

24 **Section 4.** Section 17-7-140, MCA, is amended to read:

25 **"17-7-140. Reduction in spending.** (1) (a) As the chief budget officer of the state, the governor shall
26 ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in
27 subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the
28 criteria provided in subsection (1)(c), shall direct agencies to reduce spending in an amount that ensures that the
29 projected ending general fund balance for the biennium will be at least:

30 (i) ~~6%~~ 4% of the general fund appropriations for the second fiscal year of the biennium prior to October

1 of the year preceding a legislative session;

2 (ii) 3% of the general fund appropriations for the second fiscal year of the biennium in October of the year
3 preceding a legislative session;

4 (iii) 2% of the general fund appropriations for the second fiscal year of the biennium in January of the year
5 in which a legislative session is convened; and

6 (iv) 1% of the general fund appropriations for the second fiscal year of the biennium in March of the year
7 in which a legislative session is convened.

8 (b) An agency may not be required to reduce general fund spending for any program, as defined in each
9 general appropriations act, by more than 10% during a biennium. STARTING JANUARY 1, 2021, A GOVERNOR MAY
10 NOT REDUCE TOTAL AGENCY SPENDING IN THE BIENNIUM BY MORE THAN 4% OF THE SECOND YEAR APPROPRIATIONS FOR
11 THE AGENCY. Departments or agencies headed by elected officials or the board of regents may not be required
12 to reduce general fund spending by a percentage greater than the percentage of general fund spending
13 reductions required for the ~~total~~ WEIGHTED AVERAGE of all other executive branch agencies. The legislature may
14 exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not
15 be reduced by more than 10%.

16 (c) The governor shall direct agencies to manage their budgets in order to reduce general fund
17 expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall
18 direct each agency to analyze the nature of each program that receives a general fund appropriation to determine
19 whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending
20 on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning
21 and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The report must be
22 submitted in an electronic format. The office of budget and program planning shall review each agency's analysis,
23 and the budget director shall submit to the governor a copy of the office of budget and program planning's
24 recommendations for reductions in spending. The budget director shall provide a copy of the recommendations
25 to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall
26 provide the legislative fiscal analyst with any proposed changes to the recommendations. The recommendations
27 must be provided in an electronic format. The legislative finance committee shall meet within 20 days of the date
28 that the proposed changes to the recommendations for reductions in spending are provided to the legislative
29 fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the
30 proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative

1 finance committee. The committee may make recommendations concerning the proposed reductions in spending.
2 The governor shall consider each agency's analysis and the recommendations of the office of budget and
3 program planning and the legislative finance committee in determining the agency's reduction in spending.
4 Reductions in spending must be designed to have the least adverse impact on the provision of services
5 determined to be most integral to the discharge of the agency's statutory responsibilities.

6 (2) Reductions in spending for the following may not be directed by the governor:

7 (a) payment of interest and principal on state debt;

8 (b) the legislative branch;

9 (c) the judicial branch;

10 (d) the school BASE funding program, including special education;

11 (e) salaries of elected officials during their terms of office; and

12 (f) the Montana school for the deaf and blind.

13 (3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the
14 budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

15 (i) ~~5%~~ 4% of the general fund appropriations for the second fiscal year of the biennium prior to October
16 of the year preceding a legislative session;

17 (ii) 1.875% in October of the year preceding a legislative session;

18 (iii) 1.25% in January of the year in which a legislative session is convened; and

19 (iv) 0.625% in March of the year in which a legislative session is convened.

20 (b) In determining the amount of the projected general fund budget deficit, the budget director shall take
21 into account revenue, established levels of appropriation, anticipated supplemental appropriations for school
22 equalization aid and the cost of the state's wildland fire suppression activities exceeding the amount statutorily
23 appropriated in 10-3-312, and anticipated reversions.

24 (4) If the budget director determines that an amount of actual or projected receipts will result in an
25 amount less than the amount projected to be received in the revenue estimate established pursuant to 5-5-227,
26 the budget director shall notify the revenue and transportation interim committee of the estimated amount. Within
27 20 days of notification, the revenue and transportation interim committee shall provide the budget director with
28 any recommendations concerning the amount. The budget director shall consider any recommendations of the
29 revenue and transportation interim committee prior to certifying a projected general fund budget deficit to the
30 governor.

1 (5) If the budget director certifies a projected general fund budget deficit, the governor may authorize
2 transfers to the general fund from certain accounts as set forth in subsections (6), and (7), and (8).

3 ~~(6) If the balance of the budget stabilization reserve fund is more than 2% of all general fund~~
4 ~~appropriations in the second year of the biennium, the governor may authorize transfers from the budget~~
5 ~~stabilization reserve fund prior to making reductions in spending. The total amount of transfers under this~~
6 ~~subsection may not exceed an amount equal to 1% of all general fund appropriations in the second year of the~~
7 ~~biennium prior to reductions in spending.~~

8 (6) BEFORE JANUARY 1, 2021, THE GOVERNOR MAY AUTHORIZE TRANSFERS FROM THE BUDGET STABILIZATION
9 RESERVE FUND PRIOR TO MAKING REDUCTIONS IN SPENDING. A TRANSFER UNDER THIS SUBSECTION MAY NOT CAUSE THE
10 FUND BALANCE OF THE BUDGET STABILIZATION RESERVE FUND TO BE LESS THAN 1% OF ALL GENERAL FUND
11 APPROPRIATIONS IN THE SECOND YEAR OF THE BIENNIUM.

12 ~~(6)(7)~~ The governor may authorize transfers from the budget stabilization reserve fund provided for in
13 17-7-130. The governor may authorize \$2 of transfers from the fund for each \$1 of reductions in spending.

14 ~~(7)(8)~~ If the budget director certifies a projected general fund budget deficit, the governor may authorize
15 transfers to the general fund from the fire suppression account established in 76-13-150. The amount of funds
16 available for a transfer from this account is up to the sum of the fund balance of the account, plus expected
17 current year revenue, minus the sum of 1% of the general fund appropriations for the second fiscal year of the
18 biennium, plus estimated expenditures from the account for the fiscal year. The governor may authorize \$1 of
19 transfers from the fire suppression account established in 76-13-150 for each \$1 of reductions in spending."
20

21 NEW SECTION. Section 5. Legislative tax FINANCIAL modernization AND RISK ANALYSIS study. (1)
22 A joint committee of members of the legislative finance committee and the revenue and transportation interim
23 committee and appointed members of the public shall study the long-term future budget needs and revenue
24 collections NEEDS with changing economics and demographics.

25 (2) The study must be conducted by a bipartisan joint committee consisting of the following:

26 (a) six members of the legislative finance committee, with three members appointed by the chair and
27 three members appointed by the vice chair; AND

28 ~~————(b) six members of the revenue and transportation interim committee, with three members appointed by~~
29 ~~the chair and three members appointed by the vice chair; and~~

30 ~~(c)~~(B) four members of the public with one TWO appointed by each THE chair and vice chair of the two

1 ~~committees~~ COMMITTEE.

2 ~~(3) The legislative fiscal division will provide administrative duties for the joint committee in coordination~~
 3 ~~with the legislative services division. The legislative fiscal division will provide fiscal support and the legislative~~
 4 ~~services division will provide policy research and legal support.~~

5 (3) THE LEGISLATIVE FISCAL DIVISION SHALL PROVIDE ADMINISTRATIVE STAFF SUPPORT AND FISCAL ANALYSIS.
 6 THE LEGISLATIVE SERVICES DIVISION MAY PROVIDE RESEARCH AND LEGAL SUPPORT AT THE REQUEST OF THE COMMITTEE.

7 (4) Subject to direction provided by the joint committee, the study shall include but is not limited to:

8 (a) identifying structural REVENUE challenges, including but not limited to consideration of:

9 ~~—— (i) a tax structure weighted toward a reliance on natural resources, which is declining;~~

10 ~~—— (ii) a tax structure not fully capturing the tourist economy, increasing consumer preference for services~~
 11 ~~over goods, and the growing e-commerce economy;~~

12 ~~—— (iii) revenue being highly dependent on individual income taxes, which can be volatile; ——~~

13 ~~—— (iv)(iii) Montana's aging population, which may result in slowing individual income tax growth, even as~~
 14 ~~demand for services increases;~~

15 ~~—— (v) flat fees that do not address inflation;~~

16 ~~—— (vi)(iv) tobacco taxes based on declining consumption; and~~

17 ~~—— (vii)(v) individual income tax implications with an increasingly mobile workforce; WITH ECONOMIC,~~
 18 DEMOGRAPHIC, AND GEOGRAPHICAL VARIABILITY CONSIDERATIONS;

19 (b) exploring revenue sufficiency for long-term potential expenditures, including but not limited to the
 20 following:

21 (i) ~~increasing health care costs and~~ consumption, AND FUNDING;

22 (ii) K-12 inflationary increases;

23 (iii) higher education;

24 (iv) pensions;

25 (v) state infrastructure; ~~and~~

26 (vi) natural resource revenue funded programs; and

27 (VII) LOCAL GOVERNMENT SPENDING INCLUDING INFRASTRUCTURE; AND

28 (c) proposing potential solutions and possible legislation for consideration by the 2021 legislature;
 29 including options regarding:

30 ~~—— (i) limiting expenditures to available revenue;~~

- 1 ~~_____ (ii) adjusting tax rates;~~
- 2 ~~_____ (iii) broadening the tax base; or~~
- 3 ~~_____ (iv) expanding or revising tax structure to better reflect Montana's economy.~~

4

5 **NEW SECTION. Section 6. Long term budget stabilization study.** (1) The legislative finance
 6 committee shall direct a study of fiscal and economic ~~policy practices of other states~~ CONDITIONS.

7 (2) Subject to direction provided by the legislative finance committee the study may include but is not
 8 limited to research ~~and evaluation of state practices~~ related to the following topics:

9 (a) budget stress tests, including pension stress testing, revenue volatility, revenue trends, expenditure
 10 trends, and expenditure volatility;

11 (B) LOCAL GOVERNMENT EXPENDITURES AND FUNDING;

12 ~~(b)(C)~~ (C) financial sustainability of revenue sources supporting NATURAL RESOURCE PROGRAMS, EDUCATION
 13 PROGRAMS, AND medicaid and the children's health insurance program; and

14 ~~(e)(D)~~ (D) personal services budgeting practices.

15 (3) The legislative fiscal division shall complete the study and report the results of the study to the
 16 legislative finance committee for consideration and possible legislation to be introduced in the 2021 legislative
 17 session.

18

19 **NEW SECTION. Section 7. Appropriations.** (1) There is appropriated ~~\$15,000 \$10,000~~ \$80,000 for
 20 the biennium beginning July 1, 2019, to the legislative fiscal division from the general fund ~~for the purposes of~~
 21 ~~the study as set forth in [section 3] [SECTION 5]~~ FOR INTERIM ACTIVITIES.

22 (2) There is appropriated \$100 for the biennium beginning July 1, 2019, to the legislative fiscal division
 23 from the general fund for the purposes of the study as set forth in ~~[section 4]~~ [SECTION 6].

24 (3) IF THE LEGISLATIVE COUNCIL APPROVES AND REQUESTS THE APPOINTMENT OF ADDITIONAL MEMBERS TO THE
 25 INTERIM COMMITTEES PURSUANT TO 5-5-211, FOR THE BIENNIUM BEGINNING JULY 1, 2019, THERE IS APPROPRIATED
 26 \$65,000 FROM THE GENERAL FUND TO THE LEGISLATIVE SERVICES DIVISION.

27

28 **NEW SECTION. SECTION 8. FUND TRANSFERS.** (1) BY AUGUST 15, 2019, THE STATE TREASURER SHALL
 29 TRANSFER THE FOLLOWING AMOUNTS TO THE GENERAL FUND:

30 (A) \$250,000 FROM THE STATE SPECIAL REVENUE ACCOUNT ESTABLISHED IN 17-6-603; AND

- 1 (B) \$500,000 FROM THE STATE SPECIAL REVENUE ACCOUNT ESTABLISHED IN 50-46-345.
- 2 (2) BY AUGUST 15, 2020, THE STATE TREASURER SHALL TRANSFER THE FOLLOWING AMOUNTS TO THE GENERAL
- 3 FUND:
- 4 (A) \$250,000 FROM THE STATE SPECIAL REVENUE ACCOUNT ESTABLISHED IN 17-6-603; AND
- 5 (B) \$500,000 FROM THE STATE SPECIAL REVENUE ACCOUNT ESTABLISHED IN 50-46-345.

6

7 **NEW SECTION. SECTION 9. APPROPRIATIONS TO EXECUTIVE AGENCIES -- ALLOCATIONS. (1) THE**

8 APPROPRIATIONS PROVIDED FOR IN THIS SECTION MUST BE ALLOCATED TO AGENCIES BY THE BUDGET DIRECTOR. THE

9 BUDGET DIRECTOR SHALL MAKE THE PRELIMINARY ALLOCATIONS OF THE APPROPRIATIONS IN THE STATEWIDE

10 ACCOUNTING, BUDGETING, AND HUMAN RESOURCE SYSTEM BY AUGUST 15, 2019. EXCEPT AS PROVIDED IN SUBSECTION

11 (2), THE ALLOCATED APPROPRIATIONS ARE CONSIDERED PART OF THE HOUSE BILL NO. 2 BASE BUDGET FOR THE

12 PURPOSES OF TITLE 17, CHAPTER 7.

13 (2) PRIOR TO ESTABLISHING THE APPROPRIATIONS IN THE STATEWIDE ACCOUNTING, BUDGETING, AND HUMAN

14 RESOURCE SYSTEM, THE LEGISLATIVE FISCAL ANALYST AND THE BUDGET DIRECTOR SHALL AGREE IN WRITING WHICH

15 ALLOCATED APPROPRIATIONS ARE NOT CONSIDERED PART OF THE BASE BUDGET FOR THE 67TH LEGISLATURE. THE

16 INDIVIDUAL APPROPRIATIONS ESTABLISHED IN THE STATEWIDE ACCOUNTING, BUDGETING, AND HUMAN RESOURCE SYSTEM

17 MUST BE IDENTIFIABLE TO THE SOURCE OF THE APPROPRIATION BY SUBCLASS.

18 (3) IN THE FISCAL YEAR BEGINNING JULY 1, 2019, THE FOLLOWING SUMS ARE APPROPRIATED TO THE

19 GOVERNOR'S OFFICE FOR ALLOCATION BY THE BUDGET DIRECTOR:

- 20 (A) \$660,000 IN GENERAL FUND;
- 21 (B) \$6,880,000 IN STATE SPECIAL REVENUE FUNDS;
- 22 (C) \$40,000 IN FEDERAL SPECIAL REVENUE FUNDS; AND
- 23 (D) \$820,000 IN PROPRIETARY FUNDS.

24 (4) IN THE FISCAL YEAR BEGINNING JULY 1, 2020, THE FOLLOWING SUMS ARE APPROPRIATED TO THE

25 GOVERNOR'S OFFICE FOR ALLOCATION BY THE BUDGET DIRECTOR:

- 26 (A) \$730,000 IN GENERAL FUND;
- 27 (B) \$5,900,000 IN STATE SPECIAL REVENUE FUNDS;
- 28 (C) \$40,000 IN FEDERAL SPECIAL REVENUE FUNDS; AND
- 29 (D) \$720,000 IN PROPRIETARY FUNDS.

30 (5) (A) IN FISCAL YEAR BEGINNING JULY 1, 2019, THE BUDGET DIRECTOR MAY ALLOCATE A TOTAL OF 13.50 NEW

1 PERMANENT FTEs TO EXECUTIVE AGENCIES.

2 (B) IN FISCAL YEAR BEGINNING JULY 1, 2020, THE BUDGET DIRECTOR MAY ALLOCATE A TOTAL OF 15.50 NEW
3 PERMANENT FTEs TO EXECUTIVE AGENCIES.

4
5 **NEW SECTION. SECTION 10. APPROPRIATIONS TO DEPARTMENT OF JUSTICE -- ALLOCATIONS.** (1) THE
6 APPROPRIATIONS PROVIDED FOR IN THIS SECTION ARE ALLOCATED TO THE DEPARTMENT OF JUSTICE. THE DEPARTMENT
7 SHALL MAKE THE PRELIMINARY ALLOCATIONS OF THE APPROPRIATIONS AMONG PROGRAMS BY AUGUST 15, 2019. EXCEPT
8 AS PROVIDED IN SUBSECTION (2), THE ALLOCATED APPROPRIATIONS ARE CONSIDERED PART OF THE HOUSE BILL NO. 2
9 BASE BUDGET FOR THE PURPOSES OF TITLE 17, CHAPTER 7.

10 (2) PRIOR TO ESTABLISHING THE APPROPRIATIONS IN THE STATEWIDE ACCOUNTING, BUDGETING, AND HUMAN
11 RESOURCE SYSTEM, THE LEGISLATIVE FISCAL ANALYST AND THE BUDGET DIRECTOR SHALL AGREE IN WRITING WHICH
12 ALLOCATED APPROPRIATIONS ARE NOT CONSIDERED PART OF THE BASE BUDGET FOR THE 67TH LEGISLATURE. THE
13 INDIVIDUAL APPROPRIATIONS ESTABLISHED IN THE STATEWIDE ACCOUNTING, BUDGETING, AND HUMAN RESOURCE SYSTEM
14 MUST BE IDENTIFIABLE TO THE SOURCE OF THE APPROPRIATION BY SUBCLASS.

15 (3) IN THE FISCAL YEAR BEGINNING JULY 1, 2019, THE FOLLOWING SUMS ARE APPROPRIATED TO THE
16 DEPARTMENT OF JUSTICE:

17 (A) \$230,000 IN GENERAL FUND; AND

18 (B) \$1,460,000 IN STATE SPECIAL REVENUE FUNDS.

19 (4) IN THE FISCAL YEAR BEGINNING JULY 1, 2020, THE FOLLOWING SUMS ARE APPROPRIATED TO THE
20 DEPARTMENT OF JUSTICE:

21 (A) \$220,000 IN GENERAL FUND; AND

22 (B) \$1,460,000 IN STATE SPECIAL REVENUE FUNDS.

23 (5) (A) IN EACH FISCAL YEAR BEGINNING JULY 1, 2019, THE DEPARTMENT OF JUSTICE MAY ALLOCATE A TOTAL
24 OF 6.25 NEW PERMANENT FTEs TO THE DEPARTMENT OF JUSTICE.

25 (B) IN EACH FISCAL YEAR BEGINNING JULY 1, 2020, THE DEPARTMENT OF JUSTICE MAY ALLOCATE A TOTAL OF
26 12.25 NEW PERMANENT FTEs TO THE DEPARTMENT OF JUSTICE.

27
28 **NEW SECTION. SECTION 11. APPROPRIATIONS TO OFFICE OF PUBLIC INSTRUCTION -- ALLOCATIONS.** (1) THE
29 APPROPRIATIONS PROVIDED FOR IN THIS SECTION ARE ALLOCATED TO THE OFFICE OF PUBLIC INSTRUCTION. THE OFFICE
30 OF PUBLIC INSTRUCTION SHALL MAKE THE PRELIMINARY ALLOCATIONS OF THE APPROPRIATIONS AMONG PROGRAMS BY

1 AUGUST 15, 2019. EXCEPT AS PROVIDED IN SUBSECTION (2), THE ALLOCATED APPROPRIATIONS ARE CONSIDERED PART
 2 OF THE HOUSE BILL NO. 2 BUDGET FOR THE PURPOSES OF TITLE 17, CHAPTER 7.

3 (2) IN THE FISCAL YEAR BEGINNING JULY 1, 2019, \$30,000 IS APPROPRIATED ONE TIME FROM THE GENERAL
 4 FUND TO THE OFFICE OF PUBLIC INSTRUCTION.

5
 6 **NEW SECTION. SECTION 12. APPROPRIATIONS TO STATE AUDITOR'S OFFICE -- ALLOCATIONS.** (1) THE
 7 APPROPRIATIONS PROVIDED FOR IN THIS SECTION ARE ALLOCATED TO THE STATE AUDITOR'S OFFICE. THE STATE
 8 AUDITOR'S OFFICE SHALL MAKE THE PRELIMINARY ALLOCATIONS OF THE APPROPRIATIONS AMONG PROGRAMS BY AUGUST
 9 15, 2019. EXCEPT AS PROVIDED IN SUBSECTION (2), THE ALLOCATED APPROPRIATIONS ARE CONSIDERED PART OF THE
 10 HOUSE BILL NO. 2 BASE BUDGET FOR THE PURPOSES OF TITLE 17, CHAPTER 7.

11 (2) PRIOR TO ESTABLISHING THE APPROPRIATIONS IN THE STATEWIDE ACCOUNTING, BUDGETING, AND HUMAN
 12 RESOURCE SYSTEM, THE LEGISLATIVE FISCAL ANALYST AND THE BUDGET DIRECTOR SHALL AGREE IN WRITING WHICH
 13 ALLOCATED APPROPRIATIONS ARE NOT CONSIDERED PART OF THE BASE BUDGET FOR THE 67TH LEGISLATURE. THE
 14 INDIVIDUAL APPROPRIATIONS ESTABLISHED IN THE STATEWIDE ACCOUNTING, BUDGETING, AND HUMAN RESOURCE SYSTEM
 15 MUST BE IDENTIFIABLE TO THE SOURCE OF THE APPROPRIATION BY SUBCLASS.

16 (3) IN THE FISCAL YEAR BEGINNING JULY 1, 2019, THE FOLLOWING SUMS ARE APPROPRIATED TO THE STATE
 17 AUDITOR'S OFFICE:

18 (A) \$10,100,000 IN STATE SPECIAL REVENUE FUNDS; AND

19 (B) \$34,100,000 IN FEDERAL SPECIAL REVENUE FUNDS.

20 (4) IN THE FISCAL YEAR BEGINNING JULY 1, 2020, THE FOLLOWING SUMS ARE APPROPRIATED TO THE STATE
 21 AUDITOR'S OFFICE:

22 (A) \$10,000,000 IN STATE SPECIAL REVENUE FUNDS; AND

23 (B) \$34,100,000 IN FEDERAL SPECIAL REVENUE FUNDS.

24 (5) IN EACH FISCAL YEAR BEGINNING JULY 1, 2019, AND JULY 1, 2020, THE STATE AUDITOR'S OFFICE MAY
 25 ALLOCATE A TOTAL OF 0.50 NEW PERMANENT FTEs TO THE STATE AUDITOR'S OFFICE.

26
 27 **NEW SECTION. SECTION 13. APPROPRIATIONS TO PUBLIC SERVICE COMMISSION -- ALLOCATIONS --**
 28 **COORDINATION.** (1) THE APPROPRIATIONS PROVIDED FOR IN THIS SECTION ARE ALLOCATED TO THE PUBLIC SERVICE
 29 COMMISSION. THE PUBLIC SERVICE COMMISSION SHALL MAKE THE PRELIMINARY ALLOCATIONS OF THE APPROPRIATIONS
 30 AMONG PROGRAMS BY AUGUST 15, 2019. EXCEPT AS PROVIDED IN SUBSECTION (2), THE ALLOCATED APPROPRIATIONS

1 ARE CONSIDERED PART OF THE HOUSE BILL NO. 2 BASE BUDGET FOR THE PURPOSES OF TITLE 17, CHAPTER 7.

2 (2) PRIOR TO ESTABLISHING THE APPROPRIATIONS IN THE STATEWIDE ACCOUNTING, BUDGETING, AND HUMAN
 3 RESOURCE SYSTEM, THE LEGISLATIVE FISCAL ANALYST AND THE BUDGET DIRECTOR SHALL AGREE IN WRITING WHICH
 4 ALLOCATED APPROPRIATIONS ARE NOT CONSIDERED PART OF THE BASE BUDGET FOR THE 67TH LEGISLATURE. THE
 5 INDIVIDUAL APPROPRIATIONS ESTABLISHED IN THE STATEWIDE ACCOUNTING, BUDGETING, AND HUMAN RESOURCE SYSTEM
 6 MUST BE IDENTIFIABLE TO THE SOURCE OF THE APPROPRIATION BY SUBCLASS.

7 (3) IF HOUSE BILL NO. 597 IS PASSED AND APPROVED, IN THE FISCAL YEAR BEGINNING JULY 1, 2019, \$290,000
 8 IN STATE SPECIAL REVENUE FUNDS ARE APPROPRIATED TO THE PUBLIC SERVICE COMMISSION.

9 (4) IF HOUSE BILL NO. 597 IS PASSED AND APPROVED, IN THE FISCAL YEAR BEGINNING JULY 1, 2020, \$270,000
 10 IN STATE SPECIAL REVENUE FUNDS ARE APPROPRIATED TO THE PUBLIC SERVICE COMMISSION.

11
 12 COORDINATION SECTION. SECTION 14. COORDINATION INSTRUCTION. IF BOTH [THIS ACT] AND HOUSE BILL
 13 NO. 636 ARE PASSED AND APPROVED, THEN FOR THE BIENNIUM BEGINNING JULY 1, 2019, THERE IS APPROPRIATED TO
 14 DEPARTMENT OF REVENUE FUNDS UP TO \$2,000,000 FROM THE GENERAL FUND TO MAKE PAYMENTS TO A LOCAL
 15 GOVERNING BODY PURSUANT TO 15-1-402(6)(D) FOR THE PURPOSE OF COMPLYING WITH HOUSE BILL NO. 636, AND THE
 16 DEPARTMENT OF REVENUE MAY REQUEST A SUPPLEMENTAL APPROPRIATION IF THE APPROPRIATION IS NOT SUFFICIENT
 17 TO MAKE ALL PAYMENTS IN THE BIENNIUM.

18
 19 COORDINATION SECTION. SECTION 15. COORDINATION INSTRUCTION. IF [THIS ACT] AND HOUSE BILL NO.
 20 749 ARE PASSED AND APPROVED, THEN [SECTION 2(1) OF HOUSE BILL NO. 749] MUST READ:

21 "NEW SECTION. Section 2. Appropriations. (1) There is appropriated \$519,815 from a state special
 22 revenue account to the credit of the department of justice for the biennium beginning July 1, 2019, for the purpose
 23 of establishing a two-person human trafficking enforcement team consisting of two agents from the division of
 24 criminal investigation."

25
 26 COORDINATION SECTION. SECTION 16. COORDINATION INSTRUCTION. IF BOTH [THIS ACT] AND SENATE BILL
 27 NO. 330 ARE PASSED AND APPROVED, THE LEGISLATURE INTENDS THAT THE DEPARTMENT OF JUSTICE BE AUTHORIZED
 28 TO ENTER INTO CONTRACTS, LOAN AGREEMENTS, OR OTHER FORMS OF INDEBTEDNESS PURSUANT TO 17-5-2001, NOT
 29 TO EXCEED \$1,311,573 AND PAYABLE OVER A TERM NOT TO EXCEED 10 YEARS, FOR FINANCING THE COST OF
 30 IMPLEMENTING THE PROVISIONS OF SENATE BILL NO. 330. LOANS ARE PAYABLE FROM THE STATE SPECIAL REVENUE FUND

1 PROVIDED FOR IN [SECTION 15 OF SENATE BILL NO. 330].

2

3 COORDINATION SECTION. **Section 17. Coordination instruction.** If both [this act] and House Bill
4 No. 553 are passed and approved, then the section in [this act] amending 17-7-130 is void and 17-7-130 must
5 be amended to read:

6 **"17-7-130. Budget stabilization reserve fund -- rules for deposits and transfers -- purpose. (1)**

7 There is an account in the state special revenue fund established by 17-2-102 known as the budget stabilization
8 reserve fund.

9 (2) The purpose of the budget stabilization reserve fund is:

10 (a) to mitigate budget reductions when there is a revenue shortfall; and

11 (b) when there are funds in excess of the ~~operating~~ reserve level, to:

12 (i) pay down the debt service on bonds for capital projects previously authorized by the legislature if
13 allowed without penalty by the terms of the bond issuance; AND

14 (ii) delay, forego, or reduce the amount of an issuance of bonds authorized by the legislature; ~~and,~~

15 ~~(iii) allow the funds to remain in the account.~~

16 (3) By August 1 of each year, the department of administration shall certify to the legislative fiscal analyst
17 and the budget director the following:

18 (a) the unaudited, unassigned ending fund balance of the general fund for the prior fiscal year; and

19 (b) the amount of unaudited general fund revenue and transfers into the general fund received in the
20 prior fiscal year recorded when that fiscal year's statewide accounting, budgeting, and human resource system
21 records are closed. General fund revenue and transfers into the general fund are those recorded in the statewide
22 accounting, budgeting, and human resource system using generally accepted accounting principles in
23 accordance with 17-1-102.

24 (4) For the fiscal years beginning July 1, 2016, through July 1, 2020, if actual general fund revenue
25 exceeds the revenue estimate established pursuant to 5-5-227 for that fiscal year, excess revenue over the
26 amount of revenue that exceeds the revenue estimate by \$15 million is allocated as follows:

27 (a) 50% remains in the general fund; and

28 (b) 50% is transferred into the budget stabilization reserve fund on or before August 15 of the following
29 fiscal year.

30 (5) Starting in the fiscal year beginning July 1, 2021, the state treasurer shall transfer, by August 15 of

1 the following fiscal year:

2 ~~—— (a) if there is not an operating reserve differential, from the general fund to the budget stabilization~~
3 ~~reserve fund an amount equal to 50% of the excess revenue for the fiscal year;~~

4 ~~(b) if there is an operating reserve differential for the fiscal year, from the general fund to the budget~~
5 ~~stabilization reserve fund an amount equal to 50% of the excess revenue for the fiscal year less the operating~~
6 ~~reserve differential; and~~

7 ~~—— (c) if the ending fund balance of the general fund for the prior year is less than 6.8% of the amount of~~
8 ~~all general fund appropriations in the second year of the biennium, from the budget stabilization reserve fund to~~
9 ~~the general fund up to one-half of the amount in the budget stabilization reserve fund in excess of the amount of~~
10 ~~2% of all general fund appropriations in the second year of the biennium in the subsequent fiscal year.~~

11 (6) After a transfer is made pursuant to subsection (4) or (5), if the balance of the fund exceeds an
12 amount equal to 4.5% of all general fund appropriations in the second year of the biennium in the subsequent
13 fiscal year, any funds in excess of that amount must be transferred to the account established in [section 4 of
14 House Bill No. 553] by August 16 of each fiscal year.

15 ~~(6)(7)~~ For the purposes of this section, the following definitions apply:

16 (a) "Adjusted revenue" means general fund revenue for the prior fiscal year plus the growth amount.

17 (b) "Excess revenue" means the amount of general fund revenue, including transfers in, for the most
18 recently completed fiscal year minus adjusted revenue.

19 (c) "Growth amount" means general fund revenue for the prior fiscal year multiplied by the growth rate.

20 (d) "Growth rate" means the average compound rate of growth of general fund revenue for the most
21 recently completed 6 fiscal years.

22 ~~—— (e) "Operating reserve differential" means a nonnegative difference from 8.3% of all general fund~~
23 ~~appropriations in the second year of the biennium minus the sum of the ending fund balance for the prior year~~
24 ~~and 50% of excess revenue of the prior year."~~

25
26 COORDINATION SECTION. SECTION 18. COORDINATION INSTRUCTION. IF BOTH [HOUSE BILL NO. 175] AND
27 [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTION 4(4) OF HOUSE BILL NO. 175] MUST READ:

28 "(4) The following money is appropriated for the biennium beginning July 1, 2019, to the office of budget
29 and program planning from the designated state fund, to be distributed to agencies when personnel vacancies
30 do not occur or leave payout costs exceed agency resources:

1	General Fund	\$2,000,000
2	State Special Revenue	\$700,000
3	Federal Special Revenue	\$250,000
4	Proprietary Funds	\$50,000"

5
6 NEW SECTION. Section 19. Contingent voidness. (1) If [this act] is passed and approved and does
7 not contain an appropriation for the study set forth in ~~[section 3], [section 3 of this act]~~ [SECTION 5], [SECTION 5 OF
8 THIS ACT] is void.

9 (2) If [this act] is passed and approved and does not contain an appropriation for the study set forth in
10 ~~[section 4], [section 4 of this act]~~ [SECTION 6], [SECTION 6 OF THIS ACT] is void.

11
12 NEW SECTION. Section 20. Effective dates. (1) Except as provided in subsection (2), [this act] is
13 effective July 1, 2019.

14 (2) ~~[Section 3]~~ [SECTIONS 2 AND 5] and this section are effective May 1, 2019.

15
16 NEW SECTION. Section 21. Termination. ~~[This act] terminates (1) [SECTIONS 3 AND 4]~~ [SECTIONS 5 AND
17 6] TERMINATE December 1, 2020.

18 (2) [SECTION 2] TERMINATES AUGUST 15, 2019.

19 - END -