

STATUTORY APPROPRIATIONS

LEGISLATOR NOTICE

The Legislative Services Division is required to offer a brief history on the subject matter of a bill draft request prior to drafting (5-4-105, MCA; [Chapter 309, Laws of 2017](#)). The history must include related legislation introduced over the last five sessions and hyperlinks to the bill, hearing information, and fiscal notes. The legislation links below open to the page showing the status and history of bills introduced on this topic in the past. The bill text and any related fiscal notes can be accessed through the link at the top of that page.

Legislation can be complex and this history is not intended to be exhaustive. Please contact the drafter of the requested bill for more information.

Background Materials and Research

Topic Summary:

Unlike temporary appropriations, statutory appropriations are codified and do not require reauthorization every two years. A statutory appropriation appropriates money from an account for an identified function and remains valid until repealed or altered by new legislation. Because statutory appropriations are not regularly examined every two years, the legislature has established guidelines that should be considered prior to including a statutory appropriation in proposed legislation.

In general, the use of a statutory appropriation is limited to those cases where a two-year appropriation impractical. A statutory appropriation must be listed in [17-7-502](#), MCA. Guidelines for statutory appropriation are contained in [17-1-508](#), MCA. A proposed statutory appropriation may not be considered appropriate if:

- (a) the money is from a continuing, reliable, and estimable source;
- (b) the use of the appropriation or the expenditure occurrence is predictable and reliable;
- (c) the authority exists elsewhere;
- (d) an alternative appropriation method is available, practical, or effective;
- (e) it appropriates state general fund money for purposes other than paying for emergency services;
- (f) the money is used for general purposes;

(g) the legislature wishes to review expenditure and appropriation levels each biennium; and

(h) an expenditure cap and sunset date are excluded.

Legislative Fiscal Division Materials:

[Guide to Statutory Appropriations](#) 2017

[Understanding State Finances & The Budgeting Process](#) 2017

Introduced Legislation

Since 2009, nearly 50 pieces of legislation have been enacted that created, modified, or repealed a statutory appropriation. In 2017, nearly 20 legislative acts included references to 17-7-502, MCA. Below are some of the bills that passed in 2017 that affected statutory appropriations.

[Senate Bill 53](#) -- Chapter Number Assigned -- AN ACT REPEALING THE TAX INCENTIVE FOR INCREASED BIODIESEL PRODUCTION; AMENDING SECTION 17-7-502, MCA; REPEALING SECTION 15-70-601, MCA; AND PROVIDING AN EFFECTIVE DATE.

[House Bill 61](#) -- Chapter Number Assigned -- AN ACT GENERALLY REVISING 9-1-1 LAWS; ESTABLISHING A 9-1-1 ADVISORY COUNCIL; ESTABLISHING 9-1-1 ADVISORY COUNCIL AND DEPARTMENT OF ADMINISTRATION DUTIES FOR 9-1-1 SYSTEMS AND SERVICES; PROVIDING RULEMAKING AUTHORITY; CLARIFYING LOCAL GOVERNMENT AND 9-1-1 DISTRICT ROLES; LIMITING PROVIDERS' LIABILITY; PROVIDING DEFINITIONS; UPDATING TERMS TO INCLUDE NEXT-GENERATION 9-1-1; REVISING THE ALLOCATION OF 9-1-1 FEES; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO UPDATE THE ALLOCATION OF 9-1-1 FEES IN ACCORDANCE WITH THE DECENNIAL CENSUS; ESTABLISHING ACCOUNTS FOR DISTRIBUTION OF 9-1-1 FUNDS; REQUIRING THAT CERTAIN FEES COLLECTED FOR 9-1-1 SERVICES BE REALLOCATED UNDER CERTAIN CIRCUMSTANCES; ESTABLISHING A REALLOCATION PROCESS; ESTABLISHING A NEXT-GENERATION 9-1-1 INFRASTRUCTURE ACCOUNT; CREATING A NEXT-GENERATION 9-1-1 INFRASTRUCTURE GRANT PROGRAM; PROVIDING CRITERIA TO THE DEPARTMENT OF ADMINISTRATION FOR AWARDING NEXT-GENERATION 9-1-1 INFRASTRUCTURE GRANTS; ESTABLISHING A 9-1-1 GIS MAPPING ACCOUNT; REQUIRING THE STATE LIBRARY TO AWARD A CONTRACT FOR A GIS ASSESSMENT; ESTABLISHING A STATEWIDE 9-1-1 PLANNING ACCOUNT; REQUIRING THE DEPARTMENT TO AWARD A CONTRACT TO DEVELOP A STATEWIDE 9-1-1 PLAN; ESTABLISHING A PRIVATE TELECOMMUNICATIONS PROVIDER AND LOCAL GOVERNMENT 9-1-1 GRANT PROGRAM; PROVIDING PRIORITIES AND CRITERIA FOR THE 9-1-1 GRANT PROGRAM; TRANSFERRING FUNDS; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 10-4-101, 10-4-103, 10-4-201, 10-4-204, 10-4-301, 10-4-302, 10-4-313, AND 17-7-502, MCA; REPEALING SECTIONS 10-4-102, 10-4-104, 10-4-111, 10-4-112, 10-4-113, 10-4-114, 10-4-115, 10-4-121, 10-4-125, 10-4-126, 10-4-301, 10-4-302, 10-4-303, 10-4-311, 10-4-312, AND 10-4-313, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

[House Bill 597](#) -- Chapter Number Assigned -- AN ACT CREATING THE MONTANA PUBLIC LAND ACCESS NETWORK GRANT PROGRAM; AUTHORIZING DONATIONS; CREATING THE MONTANA PUBLIC LAND ACCESS NETWORK ACCOUNT; AUTHORIZING DISBURSEMENTS; REQUIRING BOARD OF LAND

COMMISSIONER APPROVAL; REQUIRING ACCESS EASEMENTS TO BE HELD AND ENFORCED BY THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; EXCLUDING PAYMENTS FOR ACCESS FROM ADJUSTED GROSS INCOME; PROVIDING A STATUTORY APPROPRIATION; PROVIDING DEFINITIONS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 15-30-2110, 17-1-508, 17-7-502, AND 87-2-903, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.