

Amendment - 2nd Reading/2nd House-tan - Requested by: Josh Kassmier - (S) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Julie Johnson,

HB0863.001.016

1 HOUSE BILL NO. 863

2 INTRODUCED BY L. JONES, J. ESP, C. GLIMM, D. BEDEY, B. MERCER, E. TILLEMANN, K. WALSH

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING STATE FINANCE LAWS; PROVIDING
5 AN APPROPRIATION; AMENDING SECTION 17-7-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

6

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

8

9 **Section 1.** Section 17-7-102, MCA, is amended to read:

10 **"17-7-102. (Temporary) Definitions.** As used in this chapter, the following definitions apply:

11 (1) "Additional services" means different services or more of the same services.

12 (2) "Agency" means all offices, departments, boards, commissions, institutions, universities,
13 colleges, and any other person or any other administrative unit of state government that spends or encumbers
14 public money by virtue of an appropriation from the legislature under 17-8-101.

15 (3) "Approving authority" means:

16 (a) the governor or the governor's designated representative for executive branch agencies;

17 (b) the chief justice of the supreme court or the chief justice's designated representative for judicial
18 branch agencies;

19 (c) the speaker for the house of representatives;

20 (d) the president for the senate;

21 (e) appropriate legislative committees or a designated representative for legislative branch
22 agencies; or

23 (f) the board of regents of higher education or its designated representative for the university
24 system.

25 (4) (a) "Base budget" means the resources for the operation of state government that are of an
26 ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and
27 state special revenue funds may not exceed that level of funding authorized by the previous legislature.

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- 1 (b) The term does not include:
- 2 (i) funding for water adjudication if the accountability benchmarks contained in 85-2-271 are not
- 3 met;
- 4 (ii) funding for petroleum storage tank leak prevention if the accountability benchmarks in 75-11-
- 5 521 are not met.
- 6 (5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part
- 7 4.
- 8 (6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget
- 9 stabilization reserve fund up to 16% of all general revenue appropriations in the second year of the biennium.
- 10 (7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and
- 11 unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made,
- 12 that was clearly not within the contemplation of the legislature and the governor, and that affects one or more
- 13 functions of a state agency and the agency's expenditure requirements for the performance of the function or
- 14 functions.
- 15 (8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as
- 16 set forth in 17-8-101.
- 17 (9) "General revenue appropriations" means appropriations from the general fund ~~or~~ and the
- 18 school equalization and property tax reduction account in 20-9-336.
- 19 (10) "Necessary" means essential to the public welfare and of a nature that cannot wait until the
- 20 next legislative session for legislative consideration.
- 21 (11) "New proposals" means requests to provide new nonmandated services, to change program
- 22 services, to eliminate existing services, or to change sources of funding. For purposes of establishing the
- 23 present law base, the distinction between new proposals and the adjustments to the base budget to develop
- 24 the present law base is to be determined by the existence of constitutional or statutory requirements for the
- 25 proposed expenditure. Any proposed increase or decrease that is not based on those requirements is
- 26 considered a new proposal.
- 27 (12) "Operating reserve" means an amount equal to 8.3% of all general revenue appropriations in

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1 the second year of the biennium.

2 (13) "Present law base" means that level of funding needed under present law to maintain
3 operations and services at the level authorized by the previous legislature, including but not limited to:

4 (a) changes resulting from legally mandated workload, caseload, or enrollment increases or
5 decreases;

6 (b) changes in funding requirements resulting from constitutional or statutory schedules or
7 formulas;

8 (c) inflationary or deflationary adjustments; and

9 (d) elimination of nonrecurring appropriations.

10 (14) "Program" means a principal organizational or budgetary unit within an agency.

11 (15) "Requesting agency" means the agency of state government that has requested a specific
12 budget amendment.

13 (16) "University system unit" means the board of regents of higher education; office of the
14 commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and
15 Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural
16 experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central
17 offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and
18 geology, with central offices at Butte; the fire services training school at Great Falls; and the community
19 colleges supervised and coordinated by the board of regents pursuant to 20-15-103. (Terminates June 30,
20 2028--sec. 11, Ch. 269, L. 2015.)

21 **17-7-102. (Effective July 1, 2028) Definitions.** As used in this chapter, the following definitions
22 apply:

23 (1) "Additional services" means different services or more of the same services.

24 (2) "Agency" means all offices, departments, boards, commissions, institutions, universities,
25 colleges, and any other person or any other administrative unit of state government that spends or encumbers
26 public money by virtue of an appropriation from the legislature under 17-8-101.

27 (3) "Approving authority" means:

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- 1 (a) the governor or the governor's designated representative for executive branch agencies;
- 2 (b) the chief justice of the supreme court or the chief justice's designated representative for judicial
- 3 branch agencies;
- 4 (c) the speaker for the house of representatives;
- 5 (d) the president for the senate;
- 6 (e) appropriate legislative committees or a designated representative for legislative branch
- 7 agencies; or
- 8 (f) the board of regents of higher education or its designated representative for the university
- 9 system.
- 10 (4) "Base budget" means the resources for the operation of state government that are of an
- 11 ongoing and nonextraordinary nature in the current biennium. The base budget for the state general fund and
- 12 state special revenue funds may not exceed that level of funding authorized by the previous legislature.
- 13 (5) "Budget amendment" means a temporary appropriation as provided in Title 17, chapter 7, part
- 14 4.
- 15 (6) "Budget stabilization reserve" means the amount of unappropriated fund balance in the budget
- 16 stabilization reserve fund up to 16% of all general revenue appropriations in the second year of the biennium.
- 17 (7) "Emergency" means a catastrophe, disaster, calamity, or other serious unforeseen and
- 18 unanticipated circumstance that has occurred subsequent to the time that an agency's appropriation was made,
- 19 that was clearly not within the contemplation of the legislature and the governor, and that affects one or more
- 20 functions of a state agency and the agency's expenditure requirements for the performance of the function or
- 21 functions.
- 22 (8) "Funds subject to appropriation" means those funds required to be paid out of the treasury as
- 23 set forth in 17-8-101.
- 24 (9) "General revenue appropriations" means appropriations from the general fund ~~or~~ and the
- 25 school equalization and property tax reduction account in 20-9-336.
- 26 (10) "Necessary" means essential to the public welfare and of a nature that cannot wait until the
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(11) "New proposals" means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(12) "Operating reserve" means an amount equal to 8.3% of all general revenue appropriations in the second year of the biennium.

(13) "Present law base" means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(14) "Program" means a principal organizational or budgetary unit within an agency.

(15) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(16) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges supervised and coordinated by the board of regents pursuant to 20-15-103."

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1 NEW SECTION. Section 2. Appropriation. (1) There is appropriated \$100,000 from the Montana-
2 Ireland trade and development special revenue account to the department of commerce for the biennium
3 beginning July 1, 2025, for implementing the provisions of Senate Bill No. 320.

4 (2) It is the intent of the legislature that the appropriation be included in the base budget for the
5 department of commerce for the biennium beginning July 1, 2027.

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7 COORDINATION SECTION. Section 3. Coordination instruction. If both House Bill No. 483 and
8 [this act] and an act that provides property tax relief are passed and approved, and if the actual revenues from
9 the 95 school equalization mills for fiscal year 2026 or fiscal year 2027, as certified by the department of
10 revenue, are below the fiscal year 2025 revenue estimate in House Joint Resolution No. 2 of \$441.624 million,
11 then the amount used to evaluate the projected increase or decrease in revenue from the 95 school
12 equalization mills under [section 5 of House Bill No. 483], amending 20-9-336, must be determined by
13 comparing the actual revenues to the 2025 revenue estimate in House Joint Resolution No. 2 of \$441.624
14 million.

15
16 NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 2025.

17 - END -