

SENATE BILL NO. 350

INTRODUCED BY TUTVEDT, HOLLANDSWORTH, PETERSON
BY REQUEST OF THE SENATE TAXATION STANDING COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LEGISLATURE'S REVENUE ESTIMATING LAWS;
PROVIDING THAT THE REVENUE AND TRANSPORTATION INTERIM COMMITTEE'S REVENUE
ESTIMATING RESOLUTION WHEN INTRODUCED AS A SENATE JOINT RESOLUTION DOES NOT
CONSTITUTE THE LEGISLATURE'S OFFICIAL REVENUE ESTIMATE UNTIL FINAL ADOPTION OF THE
ESTIMATE BY BOTH HOUSES; PROVIDING THAT A LEGISLATURE MAY ADOPT A SUBSEQUENT
REVENUE ESTIMATING RESOLUTION AFTER ADOPTION OF A PREVIOUS REVENUE ESTIMATING
RESOLUTION; AMENDING SECTION 5-5-227, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE
AND A RETROACTIVE APPLICABILITY DATE."

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

Section 1. Section 5-5-227, MCA, is amended to read:

"5-5-227. Revenue and transportation interim committee -- powers and duties -- revenue estimating senate joint resolution and use of estimates. (1) The revenue and transportation interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the department of revenue and the department of transportation and the entities attached to the departments for administrative purposes.

(2) (a) (i) The committee must have prepared by December 1 for introduction during each regular session of the legislature in which a revenue bill is under consideration a senate joint resolution that provides an estimate of the amount of revenue projected to be available for legislative appropriation.

(ii) IN THE EVENT THAT THE COMMITTEE HAS NOT CAUSED A REVENUE ESTIMATING RESOLUTION TO BE INTRODUCED IN ACCORDANCE WITH SUBSECTION (2)(A)(I), A SENATE JOINT RESOLUTION MUST BE INTRODUCED THAT PROVIDES AN ESTIMATE OF THE AMOUNT OF REVENUE PROJECTED TO BE AVAILABLE FOR LEGISLATIVE APPROPRIATION.

(ii)(iii) The senate shall transmit the senate joint resolution on the revenue estimate to the house no later than the 15th legislative day.

(b) The committee may prepare for introduction during a special session of the legislature in which a



1 revenue bill or an appropriation bill is under consideration a senate joint resolution that provides an estimate of
 2 the amount of projected revenue. The revenue estimate is considered a subject specified in the call of a special
 3 session under 5-3-101.

4 ~~———— (3) The committee's estimate, as introduced in the legislature, constitutes the legislature's current~~
 5 ~~revenue estimate until amended or until final adoption of the estimate by both houses. It is intended that the~~
 6 ~~legislature's estimates and the assumptions underlying the estimates will be used by all agencies with~~
 7 ~~responsibilities for estimating revenue or costs, including the preparation of fiscal notes.~~

8 (3) (a) (i) The committee's estimate, in the form of a senate joint resolution as introduced in the
 9 legislature, is the current revenue estimate until final adoption of the estimate by both houses.

10 (ii) Subject to subsection (3)(b), the estimate and the assumptions underlying the estimate must be used
 11 by all agencies with responsibilities for estimating revenue or costs, including the preparation of fiscal notes.

12 (b) (i) Subject to subsection (3)(c), the revenue estimate and the assumptions underlying the estimate
 13 do not constitute the legislature's revenue estimate for the purpose of determining whether there is a balanced
 14 budget as required by Article VIII, section 9, of the Montana Constitution until final adoption of the estimate by
 15 both houses.

16 (ii) Subject to subsection (3)(c), upon final adoption by both houses, the adopted revenue estimate must
 17 be used by all agencies with responsibility for estimating revenue or costs, including the preparation of fiscal
 18 notes, and it must be used for the purpose of determining whether there is a projected general fund deficit under
 19 17-7-140.

20 (c) After the final adoption of a revenue estimate by both houses, the house or the senate, or both, may
 21 introduce subsequent joint resolutions on the revenue estimate. The revenue estimate that is most recently
 22 adopted by both houses is the legislature's revenue estimate and it must be used:

23 (i) for the purpose of determining whether there is a balanced budget;

24 (ii) by all agencies with responsibility for estimating revenue or costs, including the preparation of fiscal
 25 notes; and

26 ~~———— (iii) to determine whether there is a projected general fund deficit under 17-7-140.~~

27 (III) TO COMPARE THE ADOPTED REVENUE ESTIMATE AND ASSUMPTIONS TO CURRENT REVENUE ESTIMATES UNDER
 28 17-7-140(4).

29 ~~———— (4) The presiding officers of the house taxation committee and the senate taxation committee shall~~
 30 ~~introduce any joint resolutions on the revenue estimate.~~

1 ~~(4)(5)(4)~~ The legislative services division shall provide staff assistance to the committee. The committee
2 may request the assistance of the staffs of the office of the legislative fiscal analyst, the legislative auditor, the
3 department of revenue, and any other agency that has information regarding any of the tax or revenue bases of
4 the state."

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6 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

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8 NEW SECTION. **Section 3. Retroactive applicability.** [This act] applies retroactively, within the
9 meaning of 1-2-109, to Senate Joint Resolution No. 2, Laws of 2013, and any subsequent joint resolutions on
10 the revenue estimate that are adopted by the legislature.

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