

HOUSE BILL NO. 511

INTRODUCED BY R. JOHNSON, CLARK, THOMAS, COBB
BY REQUEST OF THE DEPARTMENT OF JUSTICE

IN THE HOUSE

JANUARY 31, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
FEBRUARY 1, 1991	FIRST READING.
MARCH 25, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
	PRINTING REPORT.
MARCH 27, 1991	SECOND READING, DO PASS.
MARCH 28, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 90; NOES, 6.
	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 28, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 4, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 8, 1991	SECOND READING, CONCURRED IN.
APRIL 9, 1991	THIRD READING, CONCURRED IN. AYES, 45; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 11, 1991	RECEIVED FROM SENATE.
	SECOND READING, AMENDMENTS NOT CONCURRED IN.

APRIL 15, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 16, 1991

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 17, 1991

CONFERENCE COMMITTEE REPORTED.

APRIL 18, 1991

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

APRIL 19, 1991

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 19, 1991

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *511*
 2 INTRODUCED BY *Debra Clark Thorne Cobb*
 3 BY REQUEST OF THE DEPARTMENT OF JUSTICE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROCEEDS
 6 FROM THE SEIZURE OR FORFEITURE OF PROPERTY RELATED TO
 7 CONTROLLED SUBSTANCES ARE STATUTORILY APPROPRIATED; AMENDING
 8 SECTIONS 17-7-502, 44-12-206, AND 44-13-102, MCA; AND
 9 PROVIDING AN EFFECTIVE DATE."

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

12 **Section 1.** Section 17-7-502, MCA, is amended to read:

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

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

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

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

1 (3) The following laws are the only laws containing
 2 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 3 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 4 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121;
 5 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404;
 6 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007;
 7 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 8 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111;
 9 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016;
 10 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 44-12-206;
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 12 67-3-205; 75-1-1101; 75-5-1108; 75-11-313; 76-12-123;
 13 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215;
 14 90-4-613; 90-6-331; 90-9-306; and section 13, House Bill No.
 15 861, Laws of 1985.

16 (4) There is a statutory appropriation to pay the
 17 principal, interest, premiums, and costs of issuing, paying,
 18 and securing all bonds, notes, or other obligations, as due,
 19 that have been authorized and issued pursuant to the laws of
 20 Montana. Agencies that have entered into agreements
 21 authorized by the laws of Montana to pay the state
 22 treasurer, for deposit in accordance with 17-2-101 through
 23 17-2-107, as determined by the state treasurer, an amount
 24 sufficient to pay the principal and interest as due on the
 25 bonds or notes have statutory appropriation authority for

1 such payments. (In subsection (3), pursuant to sec. 10, Ch.
2 664, L. 1987, the inclusion of 39-71-2504 terminates June
3 30, 1991.)"

4 **Section 2.** Section 44-12-206, MCA, is amended to read:

5 "44-12-206. Disposition of proceeds of sale. (1)
6 Whenever property is seized, forfeited, and sold under the
7 provisions of this chapter, the net proceeds of the sale
8 must be distributed as follows:

9 (a) to the holders of security interests who have
10 presented proper proof of their claims, if any, up to the
11 amount of their interests in the property;

12 (b) the remainder, if any, to the county treasurer of
13 the county in which the property was seized, who shall
14 establish and maintain a drug forfeiture account and deposit
15 the remainder into the account, except as provided in
16 subsections (1)(c) through (1)(e);

17 (c) if the property was seized within the corporate
18 limits of a city or town by a law enforcement agency of that
19 city or town, the remainder, if any, to the city or town
20 treasurer, who shall establish and maintain a drug
21 forfeiture account and deposit the remainder into the
22 account, except as provided in subsection, (1)(d) and
23 (1)(e);

24 (d) if the property was seized by an employee of the
25 state, the remainder, if any, to the account established in

1 subsection (3), except as provided in subsection (1)(e); and
2 (e) if the property was seized as a result of the
3 efforts of more than one law enforcement agency, the
4 remainder, if any, to the accounts required by this
5 subsection (1), pro rata in the proportions represented by
6 the agencies' expenses of investigation, as determined by
7 the attorney general.

8 (2) All proceeds from any source that are deposited
9 into a county, city, or town drug forfeiture account must in
10 each fiscal year be appropriated to and remain available
11 until expended by the confiscating agency for drug laws
12 enforcement and education concerning drugs.

13 (3) Net proceeds received by the state under
14 subsections (1)(d) and (1)(e) must be deposited in an
15 account in the state special revenue fund to the credit of
16 the department of justice. The department may expend the
17 money in the account, ~~as appropriated by the legislature,~~
18 only for purposes of enforcement of drug laws. The account
19 is statutorily appropriated, as provided in 17-7-502, to the
20 attorney general for enforcement of drug laws.

21 (4) The attorney general shall provide the legislature
22 with a detailed, written report of the amounts and property
23 credited to the account no later than 4 months after the end
24 of each fiscal year. The attorney general may not disclose
25 any information that would compromise any investigation or

1 prosecution."

2 **Section 3.** Section 44-13-102, MCA, is amended to read:

3 "44-13-102. Federal forfeitures deposited in account.

4 Property and money forfeited under federal law and provided
5 to the state by the federal government to support state and
6 local law enforcement programs must be deposited to the
7 special law enforcement assistance account established in
8 44-13-101. The account is statutorily appropriated, as
9 provided in 17-7-502, to the attorney general for the
10 support of state and local law enforcement programs."

11 NEW SECTION. **Section 4.** Effective date. [This act] is

12 effective July 1, 1991.

-End-

APPROVED BY COMMITTEE
ON APPROPRIATIONS

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2 INTRODUCED BY *Debra Clark Thane Cobb*
3 BY REQUEST OF THE DEPARTMENT OF JUSTICE
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22 treasurer, for deposit in accordance with 17-2-101 through
23 17-2-107, as determined by the state treasurer, an amount
24 sufficient to pay the principal and interest as due on the
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3 "44-13-102. Federal forfeitures deposited in account.
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11 NEW SECTION. **Section 4.** Effective date. [This act] is

12 effective July 1, 1991.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 4, 1991

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 511 (third reading copy -- blue), respectfully report that House Bill No. 511 be amended and as so amended be concurred in:

1. Page 4, line 18.

Strike: "The account"

Insert: "An amount up to \$50,000 each year"

2. Page 4, line 20.

Following: "._"

Insert: "Any expenditure in excess of \$50,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part 4."

3. Page 5, line 8.

Strike: "The account"

Insert: "An amount up to \$50,000 each fiscal year"

4. Page 5, line 10.

Following: "._"

Insert: "Any expenditure in excess of \$50,000 each fiscal year requires approval through budget amendment, as provided in Title 17, chapter 7, part 4."

Signed:


Judy H. Jacobson, Chairman

4-4-91

Ad. Coord.

SB 4-4-91 4:00

Sec. of Senate

SENATE
HB 511

1 HOUSE BILL NO. 511

2 INTRODUCED BY R. JOHNSON, CLARK, THOMAS, COBB

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16 the department of justice. The department may expend the
17 money in the account, ~~as appropriated by the legislature~~
18 only for purposes of enforcement of drug laws. The account
19 AN AMOUNT UP TO \$50,000 EACH YEAR is statutorily
20 appropriated, as provided in 17-7-502, to the attorney
21 general for enforcement of drug laws. ANY EXPENDITURE IN
22 EXCESS OF \$50,000 EACH FISCAL YEAR REQUIRES APPROVAL THROUGH
23 BUDGET AMENDMENT, AS PROVIDED IN TITLE 17, CHAPTER 7, PART

24 4.

25 (4) The attorney general shall provide the legislature

1 with a detailed, written report of the amounts and property
2 credited to the account no later than 4 months after the end
3 of each fiscal year. The attorney general may not disclose
4 any information that would compromise any investigation or
5 prosecution."

6 **Section 3.** Section 44-13-102, MCA, is amended to read:

7 **"44-13-102. Federal forfeitures deposited in account.**
8 **Property and money forfeited under federal law and provided**
9 **to the state by the federal government to support state and**
10 **local law enforcement programs must be deposited to the**
11 **special law enforcement assistance account established in**
12 **44-13-101. The--account AN AMOUNT UP TO \$50,000 EACH FISCAL**
13 **YEAR is statutorily appropriated, as provided in 17-7-502,**
14 **to the attorney general for the support of state and local**
15 **law enforcement programs. ANY EXPENDITURE IN EXCESS OF**
16 **\$50,000 EACH FISCAL YEAR REQUIRES APPROVAL THROUGH BUDGET**
17 **AMENDMENT, AS PROVIDED IN TITLE 17, CHAPTER 7, PART 4."**

18 **NEW SECTION. Section 4. Effective date. [This act] is**
19 **effective July 1, 1991.**

-End-

Conference Committee
on House Bill 511
Report No. 1, April 17, 1991

4-17-91
12:39 PM

Page 1 of 1

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 511 met and considered Senate committee on Finance and Claims amendments, dated April 4, 1991, and recommend that House Bill 511 (reference copy -- salmon) be amended as follows:

1. Page 4, line 19.
Strike: "\$50,000"
Insert: "\$125,000"

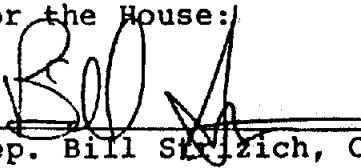
2. Page 4, line 22.
Strike: "\$50,000"
Insert: "\$125,000"


3. Page 5, line 12.
Strike: "\$50,000"
Insert: "\$125,000"

4. Page 5, line 16.
Strike: "\$50,000"
Insert: "\$125,000"

And this Conference Committee report be adopted.


For the House:


Rep. Bill Strizich, Chair

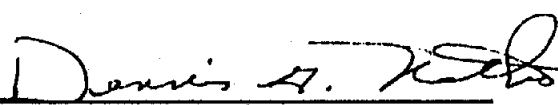

Rep. Dave Wanzonried


Rep. Royal Johnson

For the Senate:


Sen. Judy Jacobson, Chair


Sen. Eve Franklin


Sen. Dennis Nathe

ADOPT

REJECT

CCR #1
HB 511
821111CC.HSF

HOUSE BILL NO. 511

INTRODUCED BY R. JOHNSON, CLARK, THOMAS, COBB

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT PROCEEDS FROM THE SEIZURE OR FORFEITURE OF PROPERTY RELATED TO CONTROLLED SUBSTANCES ARE STATUTORILY APPROPRIATED; AMENDING SECTIONS 17-7-502, 44-12-206, AND 44-13-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 17-7-502, MCA, is amended to read:

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

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

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

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

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-804; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 20-6-406; 20-8-111; 20-9-361; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-1016; 23-5-1027; 27-12-206; 37-51-501; 39-71-2504; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-2-406; 61-5-121; 67-3-205; 75-1-1101; 75-5-1108; 75-11-313; 76-12-123; 80-2-103; 82-11-136; 82-11-161; 90-3-301; 90-4-215; 90-4-613; 90-6-331; 90-9-306; and section 13, House Bill No. 861, Laws of 1985.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for

1 such payments. (In subsection (3), pursuant to sec. 10, Ch.
2 664, L. 1987, the inclusion of 39-71-2504 terminates June
3 30, 1991.)"

4 **Section 2.** Section 44-12-206, MCA, is amended to read:

5 "44-12-206. Disposition of proceeds of sale. (1)
6 Whenever property is seized, forfeited, and sold under the
7 provisions of this chapter, the net proceeds of the sale
8 must be distributed as follows:

9 (a) to the holders of security interests who have
10 presented proper proof of their claims, if any, up to the
11 amount of their interests in the property;

12 (b) the remainder, if any, to the county treasurer of
13 the county in which the property was seized, who shall
14 establish and maintain a drug forfeiture account and deposit
15 the remainder into the account, except as provided in
16 subsections (1)(c) through (1)(e);

17 (c) if the property was seized within the corporate
18 limits of a city or town by a law enforcement agency of that
19 city or town, the remainder, if any, to the city or town
20 treasurer, who shall establish and maintain a drug
21 forfeiture account and deposit the remainder into the
22 account, except as provided in subsections (1)(d) and
23 (1)(e);

24 (d) if the property was seized by an employee of the
25 state, the remainder, if any, to the account established in

1 subsection (3), except as provided in subsection (1)(e); and
2 (e) if the property was seized as a result of the
3 efforts of more than one law enforcement agency, the
4 remainder, if any, to the accounts required by this
5 subsection (1), pro rata in the proportions represented by
6 the agencies' expenses of investigation, as determined by
7 the attorney general.

8 (2) All proceeds from any source that are deposited
9 into a county, city, or town drug forfeiture account must in
10 each fiscal year be appropriated to and remain available
11 until expended by the confiscating agency for drug laws
12 enforcement and education concerning drugs.

13 (3) Net proceeds received by the state under
14 subsections (1)(d) and (1)(e) must be deposited in an
15 account in the state special revenue fund to the credit of
16 the department of justice. The department may expend the
17 money in the account, ~~as appropriated by the legislature,~~
18 only for purposes of enforcement of drug laws. The account
19 AN AMOUNT UP TO \$50,000 \$125,000 EACH YEAR is statutorily
20 appropriated, as provided in 17-7-502, to the attorney
21 general for enforcement of drug laws. ANY EXPENDITURE IN
22 EXCESS OF \$50,000 \$125,000 EACH FISCAL YEAR REQUIRES
23 APPROVAL THROUGH BUDGET AMENDMENT, AS PROVIDED IN TITLE 17,
24 CHAPTER 7, PART 4.

25 (4) The attorney general shall provide the legislature

1 with a detailed, written report of the amounts and property
2 credited to the account no later than 4 months after the end
3 of each fiscal year. The attorney general may not disclose
4 any information that would compromise any investigation or
5 prosecution."

6 **Section 3.** Section 44-13-102, MCA, is amended to read:

7 **"44-13-102. Federal forfeitures deposited in account.**

8 Property and money forfeited under federal law and provided
9 to the state by the federal government to support state and
10 local law enforcement programs must be deposited to the
11 special law enforcement assistance account established in
12 44-13-101. ~~The account~~ AN AMOUNT UP TO \$50,000 \$125,000 EACH
13 FISCAL YEAR is statutorily appropriated, as provided in
14 17-7-502, to the attorney general for the support of state
15 and local law enforcement programs. ANY EXPENDITURE IN
16 EXCESS OF \$50,000 \$125,000 EACH FISCAL YEAR REQUIRES
17 APPROVAL THROUGH BUDGET AMENDMENT, AS PROVIDED IN TITLE 17,
18 CHAPTER 7, PART 4."

19 **NEW SECTION. Section 4. Effective date.** [This act] is
20 effective July 1, 1991.

-End-