

CHAPTER NO. 692

SENATE BILL NO. 463

INTRODUCED BY KOLSTAD, DUSSAULT, QUILICI, STEPHENS  
UNDERDAL, GALT, ROTH, IVERSON, ETCHART, OLSON,  
NELSON, LOWE, ELLERD, HAFFERMAN

IN THE SENATE

February 12, 1979	Introduced and referred to Committee on Taxation.
February 13, 1979	Fiscal note requested.
February 19, 1979	Fiscal note returned.
March 16, 1979	Committee recommend bill do pass as amended. Report adopted.
March 19, 1979	Printed and placed on members' desks.  Amended fiscal note requested.
March 20, 1979	Second reading, pass consideration.
March 21, 1979	Motion pass consideration until fiscal note returned.  Amended fiscal note returned.
March 23, 1979	Second reading, do pass.  Considered correctly engrossed.
March 26, 1979	Third reading, passed. Transmitted to second house.

IN THE HOUSE

March 27, 1979	Introduced and referred to Committee on Taxation.
April 9, 1979	Committee recommend bill be concurred in. Report adopted.

April 10, 1979

Second reading, pass  
consideration.

April 11, 1979

Second reading, pass  
consideration as amended.

On motion taken from second  
reading and referred to Committee  
on Taxation.

April 16, 1979

Committee recommend bill be  
concurrent in as amended.  
Report adopted.

April 18, 1979

Second reading concurred in.

Third reading, concurred in  
as amended.

#### IN THE SENATE

April 19, 1979

Returned from second house.  
Concurred in as amended.

On motion rules suspended.  
Bill referred to second reading  
for consideration this day.

Second reading, amendments  
adopted.

On motion rules suspended.  
Bill placed on Calendar for  
third reading this day.

Third reading, amendments adopted.  
Sent to enrolling.

Reported correctly enrolled.

1 *Senate* BILL NO. *463*  
 2 INTRODUCED BY *Robert Messant Paulini STEPHENS*  
 3 *Chadwick Hall Roth Iverson Robert Olson NELSON*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A COUNTY *For*  
 5 MILL LEVY FOR DISTRICT COURT COSTS; ALLOWING THE SUPREME *Callert*  
 6 COURT TO MAKE EMERGENCY ASSISTANCE GRANTS TO DISTRICT COURTS *Hoffman*  
 7 AND PROVIDING APPLICATION AND ADMINISTRATIVE PROCEDURES FOR  
 8 THESE GRANTS."  
 9

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

11 Section 1. County levy for district court expenses --  
 12 budget. (1) The governing body of each county may each year  
 13 levy and collect a tax not to exceed 2 mills on the taxable  
 14 property of the county for all district court costs, except  
 15 those listed in 3-5-211, 3-5-213, and 3-5-215. These  
 16 expenses include but are not limited to salary and benefits  
 17 for court clerks, court reporters, youth probation officers,  
 18 and other employees of the district court.

19 (2) As soon as the preliminary budget provided for in  
 20 7-6-2315 has been agreed upon by the governing body, a copy  
 21 shall be transmitted to the district court. At any time  
 22 before the final adoption of the budget, the district court  
 23 may make recommendations for changes in any part of the  
 24 budget relating to the court considered necessary for the  
 25 court to discharge its obligations under the law.

1 (3) No part of the district court fund may be used  
 2 directly or indirectly for the construction or improvement  
 3 of any county building so long as the fund is needed for  
 4 district court activities.

5 Section 2. State grants to district courts --  
 6 procedure. (1) The supreme court may make grants from its  
 7 funds to district courts for emergency assistance, as  
 8 provided in this section.

9 (2) The district court may apply to the supreme court  
 10 for a grant when the following conditions occur, by filing a  
 11 written report in the supreme court stating:

- 12 (a) that the court will not be able to meet its
- 13 statutory obligations with the funds authorized under the
- 14 county budget;
- 15 (b) that all lawful sources of income to the district
- 16 court fund have been exhausted;
- 17 (c) that all expenditures from the district court fund
- 18 have been lawfully made; and
- 19 (d) any other information required by the supreme
- 20 court.

21 (3) Within 10 days of receipt of the application, the  
 22 supreme court shall consider whether the conditions in  
 23 subsection (2) have been met. If the conditions have been  
 24 met, the supreme court shall give notice to the district  
 25 court and the county commissioners of its intention to allow

1 the grant.

2 (4) Within 10 days of receiving notice from the  
3 supreme court that a grant will be made, the district court  
4 shall adopt an emergency budget and transmit it to the  
5 county governing body and the supreme court.

6 (5) After approving the emergency budget, the supreme  
7 court shall cause a warrant to be issued to the treasurer of  
8 the county in which the district court is located for the  
9 total amount stated in the approved emergency budget.

10 (6) The grant received by the county shall be placed  
11 in an emergency fund account to be kept separate from the  
12 district court fund.

13 (7) After depleting the district court fund, the  
14 county treasurer may make disbursements from the emergency  
15 fund account. At the close of its fiscal year, the county  
16 treasurer shall return to the supreme court any amounts  
17 remaining in the emergency fund account.

-End-

## STATE OF MONTANA

REQUEST NO. 329-79

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 13, 19 79, there is hereby submitted a Fiscal Note for SB 463 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 463 is an act to provide a county mill levy (maximum 2 mills) for District Court costs. If District Court operating costs exceed the 2 mill levy the Supreme Court will make emergency assistance grants from the state general fund to that county. The Supreme Court will develop application and administrative procedures for these grants.

## FISCAL IMPACT:

49 counties would require additional funds over and above the 2 mill levy to operate District Courts. Since the cost figures used were one year older than the property value figures, some kind of an adjustment may be necessary. Indications are, however, that the Supreme Court will be making grants to counties at the approximate rate of \$2.5 to \$2.8 million per fiscal year.

Because of the large number of grant applications and large amount of funds involved, the Supreme Court will need an additional 2 FTE per fiscal year. These positions would be grade 12 accountants or budget analysts at an approximate salary of \$14,000 year. These positions would also require operating expenses at their office in Helena and extensive travel funds enabling them to research and analyze individual budgets and need requirements at the local county level.

	<u>FY80</u>	<u>FY81</u>
Additional cost of proposed legislation:		
Personal services	\$31,640	\$33,900
Operating Expense	2,000	2,000
Capital Outlay	1,000	0
Total Expenditures proposed law	34,640	35,900
Expenditures under current law	0	0
Increased expenditures under proposed law	34,640	35,900
Add: Grants to counties	2,800,000	2,800,000
Total additional cost of proposed legislation	<u>\$2,834,640</u>	<u>\$2,835,900</u>

## LOCAL IMPACT:

County expenditures for District Court operations should decrease by the same \$2.5 to \$2.8 million amount assumed by the state general fund.

## COMMENTS:

District Court costs were obtained from the clerk and recorder in each county. The 2 mill levy revenue was calculated from FY79 figures obtained from the latest publication by the Montana Taxpayers Association.

*Richard L. Stoney*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2/19/79

## STATE OF MONTANA

326  
~~494~~-79  
REQUEST NO. \_\_\_\_\_

## FISCAL NOTE

Form BD-15

In compliance with a written request received March 21, 19 79, there is hereby submitted a Fiscal Note for SB 463-Am ended pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

## DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 463 is an act to provide a county mill levy (maximum  $3\frac{1}{2}$  mills) for District Court costs. If District Court operating costs exceed the levy the county may apply for emergency assistance grants from the state general fund.

## ASSUMPTIONS:

1. Department of Administration will pay counties based on reports filed by the county commissioners that they have complied with the requirements of the act. No audits will be performed by the department other than to insure that the proper authorities have signed the claim and that it is mathematically correct.
2. Thirty counties will make claims each year. The total amount levied above  $3\frac{1}{2}$  mills was \$596,189 in FY77, the last year for which data was available.

## FISCAL IMPACT:

Additional cost of proposed legislation:	<u>FY80</u>	<u>FY81</u>
Grants to counties	\$ <u>600,000</u>	\$ <u>600,000</u>
Total additional cost of proposed legislation	\$ <u>600,000</u>	\$ <u>600,000</u>

## LOCAL IMPACT:

County expenditures for District Court operations should decrease by the same amount assumed by the state general fund.

## COMMENTS:

Mill levies and mill values used in these calculations are for FY77.

*Richard L. Dancy for*  
BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3/21/79

Approved by Committee  
on Taxation

SENATE BILL NO. 463

INTRODUCED BY KOLSTAD, DUSSAULT, QUILICI, STEPHENS,

UNDERDAL, GALT, ROTH, IVERSON, ETCHART, OLSON,

NELSON, LOWE, ELLERD, HAFFERMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A COUNTY  
MILL LEVY FOR DISTRICT COURT COSTS; ALLOWING THE SUPREME  
COURT DEPARTMENT OF ADMINISTRATION TO MAKE EMERGENCY  
ASSISTANCE GRANTS TO DISTRICT COURTS AND PROVIDING  
APPLICATION AND ADMINISTRATIVE PROCEDURES FOR THESE GRANTS;  
PROVIDING FOR A PERIOD OF APPLICABILITY.

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

Section 1. County levy for district court expenses --  
budget. (1) The governing body of each county may each year  
levy and collect a tax not to exceed 2 3/4 mills on the  
taxable property of the county for all district court costs,  
except those listed in 3-5-211, 3-5-213, and 3-5-215. These  
expenses include but are not limited to salary and benefits  
for court clerks, court reporters, youth probation officers,  
and other employees of the district court.

(2) As soon as the preliminary budget provided for in  
7-6-2315 has been agreed upon by the governing body, a copy  
shall be transmitted to the district court. At any time  
before the final adoption of the budget, the district court

may make recommendations for changes in any part of the  
budget relating to the court considered necessary for the  
court to discharge its obligations under the law.

(3) No part of the district court fund may be used  
~~directly or indirectly~~ FOR ANY OTHER PURPOSE OR for the  
construction or improvement of any county building ~~so long~~  
~~as the fund is needed for district court activities.~~

Section 2. State grants to district courts --  
procedure. (1) The ~~supreme court~~ DEPARTMENT OF  
ADMINISTRATION may make grants from its funds to THE  
GOVERNING BODY OF A COUNTY FOR THE district courts for  
emergency assistance, as provided in this section.

(2) The ~~district court~~ GOVERNING BODY OF A COUNTY may  
apply to the ~~supreme court~~ DEPARTMENT OF ADMINISTRATION for  
a grant when the following conditions occur, by filing a  
written report ~~in the supreme court~~ stating:

(a) that the court will not be able to meet its  
statutory obligations with the funds authorized under the  
county budget;

(b) that all lawful sources of income to the district  
court fund have been exhausted;

(c) that all expenditures from the district court fund  
have been lawfully made; and

(d) THAT NO TRANSFERS FROM THE DISTRICT COURT FUND  
HAVE BEEN OR WILL BE MADE TO ANY OTHER FUND;

1 1E1 THAT NO EXPENDITURES HAVE BEEN MADE FROM THE  
 2 DISTRICT COURT FUND THAT ARE NOT SPECIFICALLY AUTHORIZED BY  
 3 [SECTION 1]; AND

4 ~~(d)~~ 1E1 any other information required by the supreme  
 5 court DEPARTMENT OF ADMINISTRATION.

6 (3) Within 10 days of receipt of the application, the  
 7 supreme court ~~shall consider whether the conditions in~~  
 8 ~~subsection (2) have been met. If the conditions have been~~  
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 10 give notice to the district court and the county  
 11 commissioners GOVERNING BODY of its intention to allow the  
 12 grant.

13 (4) Within 10 days of receiving notice from the  
 14 supreme court DEPARTMENT OF ADMINISTRATION that a grant will  
 15 be made, the district court shall adopt an emergency budget  
 16 and transmit it to the county governing body ~~and the supreme~~  
 17 court.

18 (5) After approving RECEIVING NOTICE OF THE COUNTY  
 19 GOVERNING BODY'S APPROVAL OF the emergency budget, the  
 20 supreme court DEPARTMENT OF ADMINISTRATION shall cause a  
 21 warrant to be issued to the treasurer of the county in which  
 22 the district court is located for the total amount stated in  
 23 the approved emergency budget.

24 (6) The grant received by the county shall be placed  
 25 in an emergency fund account to be kept separate from the

1 district court fund.

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 3 county treasurer may make disbursements from the emergency  
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 5 treasurer shall return to the supreme court DEPARTMENT OF  
 6 ADMINISTRATION any amounts remaining in the emergency fund  
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8 SECTION 3. SUNSET PROVISION. THIS ACT AND THE  
 9 AUTHORITY GRANTED THEREIN SHALL TERMINATE JUNE 30, 1983.

-End-



## SENATE BILL NO. 463

INTRODUCED BY KOLSTAD, DUSSAULT, QUILICI, STEPHENS,  
 UNDERDAL, GALT, ROTH, IVERSON, ETCHART, OLSON,  
 NELSON, LOWE, ELLERD, HAFFERMAN

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A COUNTY  
 MILL LEVY FOR DISTRICT COURT COSTS; ALLOWING THE SUPREME  
 COURT DEPARTMENT OF ADMINISTRATION TO MAKE EMERGENCY  
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 APPLICATION AND ADMINISTRATIVE PROCEDURES FOR THESE GRANTS;  
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 9 AUTHORITY GRANTED THEREIN SHALL TERMINATE JUNE 30, 1983.

-End-

## 1 SENATE BILL NO. 463

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3 UNDERDAL, GALT, ROTH, IVERSON, ETCHART, OLSON,

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6 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A COUNTY  
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14 budget. (1) The governing body of each county may each year  
15 levy and collect a tax ~~not to exceed 2 3/4~~ 4 mills on the  
16 taxable property of the county for all district court costs,  
17 except those listed in 3-5-211, 3-5-213, and 3-5-215. THE  
18 TAX MAY NOT EXCEED 6 MILLS IN THE FIRST- AND SECOND-CLASS  
19 COUNTIES, 5 MILLS IN THIRD- AND FOURTH-CLASS COUNTIES, AND  
20 4 MILLS IN FIFTH-, SIXTH-, AND SEVENTH-CLASS COUNTIES. These  
21 expenses include but are not limited to salary and benefits  
22 for court clerks, court reporters, youth probation officers,  
23 and other employees of the district court.

24 (2) As soon as the preliminary budget provided for in  
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1 7-6-2315 has been agreed upon by the governing body, a copy  
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16 GRANTS ARE TO BE MADE FROM FUNDS APPROPRIATED TO THE  
17 DEPARTMENT FOR THAT PURPOSE.

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23 statutory obligations with the funds authorized under the  
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13 SECTION 3. SUNSET PROVISION. THIS ACT AND THE  
14 AUTHORITY GRANTED THEREIN SHALL TERMINATE JUNE 30, 1983.

-End-

HOUSE OF REPRESENTATIVES

April 11, 1979

Committee of the Whole Amendment to Senate Bill No. 463, third reading copy.

1. Page 1, line 16.

Strike: "3 1/2"

Insert: "4"

AND AS AMENDED  
BE CONCURRED IN.

HOUSE OF REPRESENTATIVES  
APRIL 16, 1979

Committee on Taxation amendments on Senate Bill No. 463, third reading copy, as follows:

1. Page 1, line 16.

Following: "tax"

Strike: "not to exceed 3 1/2 mills"

2. Page 1, line 18.

Following: "3-5-215."

Insert: "The tax may not exceed 6 mills in the first and second class counties, 5 mills in third and fourth class counties, and 4 mills in fifth, sixth, and seventh class counties."

3. Page 2, line 10.

Following: "grants"

Strike: "from its funds"

4. Page 2, line 12.

Following: "section."

Insert: "The grants are to be made from funds appropriated to the department for that purpose."

AND AS AMENDED  
BE CONCURRED IN