

SENATE BILL NO. 300

INTRODUCED BY KOLSTAD, LEE, GOODOVER, GRAHAM, HURNITZ,
GALT, AKLESTAD, NELSON, SIVERTSEN, BERTELSEN, HARP,
VINGER, IVERSON

IN THE SENATE

January 28, 1981	Introduced and referred to Committee on Finance and Claims. Fiscal note requested.
February 5, 1981	Fiscal note returned.
February 21, 1981	Committee recommend bill do pass as amended. Report adopted.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading, do pass.
February 25, 1981	On motion rules suspended. Bill placed on calendar for third reading this day. Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on Appropriations.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legis- lative day. Motion adopted.
March 31, 1981	Committee recommend bill be concurrent in as amended. Report adopted.

March 31, 1981

On motion to place on second reading this day. Motion adopted.

Second reading, concurred in.

On motion rules suspended and bill placed on third reading this day.

Third reading, concurred in as amended. Ayes, 93; Noes, 3.

IN THE SENATE

April 1, 1981

Returned from House with amendments.

April 10, 1981

Second reading, amendments concurred in.

On motion segregated from report of Committee of the Whole.

April 11, 1981

Second reading, amendments concurred in.

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

Third reading, amendments concurred in. Ayes, 48; Noes, 1. Sent to enrolling.

Reported correctly enrolled.

1 *Sen. Bill No. 300* *Shurwitz*
 2 *INTRODUCED BY* *Patricia Lee Spalding (Hudson)*
 3 *Matt AKLESTAD NELSON* *Shurwitz* *Bentzen*
Person *HARP VINGER*

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
 5 DEPARTMENT OF ADMINISTRATION TO MAKE FINANCIAL ASSISTANCE
 6 GRANTS TO COUNTIES FOR DISTRICT COURTS; AMENDING SECTION
 7 7-6-2352, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

10 Section 1. Section 7-6-2352, MCA, is amended to read:

11 "7-6-2352. State grants to district courts. (1) The
 12 department of administration ~~may~~ shall make grants to the
 13 governing body of a county for the district courts for
 14 emergency assistance, as provided in this section. The
 15 grants are to be made from funds appropriated to the
 16 department for that purpose.

17 (2) The governing body of a county may apply to the
 18 department of administration for a grant when the following
 19 conditions occur, by filing a written report stating:

- 20 (a) that the court will not be able to meet its
- 21 statutory obligations with the funds authorized under the
- 22 county budget;
- 23 (b) that all lawful sources of income to the district
- 24 court fund have been exhausted;
- 25 (c) that all expenditures from the district court fund

- 1 have been lawfully made;
- 2 (d) that no transfers from the district court fund
- 3 have been or will be made to any other fund;
- 4 (e) that no expenditures have been made from the
- 5 district court fund that are not specifically authorized by
- 6 7-6-2511 and 7-6-2351; and
- 7 (f) any other information required by the department
- 8 of administration.
- 9 (3) Within 10 days of receipt of the application, the
- 10 department of administration shall give notice to the
- 11 district court and the county governing body of its
- 12 intention to allow the grant.
- 13 (4) Within 10 days of receiving notice from the
- 14 department of administration that a grant will be made, the
- 15 district court shall adopt an--emergency a budget and
- 16 transmit it to the county governing body.
- 17 (5) After receiving notice of the county governing
- 18 body's approval of the emergency budget, the department of
- 19 administration shall cause a warrant to be issued to the
- 20 treasurer of the county in which the district court is
- 21 located for the total amount stated in the approved
- 22 emergency budget.
- 23 (6) The grant received by the county shall be placed
- 24 in an-emergency a fund account to be kept separate from the
- 25 district court fund.

1 (7) After depleting the district court fund, the
2 county treasurer may make disbursements from the emergency
3 fund account. At the close of its fiscal year, the county
4 treasurer shall return to the department of administration
5 any amounts remaining in the emergency fund account."

6 Section 2. Effective date. This act is effective July
7 1, 1981.

-End-

STATE OF MONTANA

REQUEST NO. 253-81

FISCAL NOTE

Form BD-15

In compliance with a written request received 1/29/81, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 300 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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:

An act requiring the Department of Administration to make fiscal assistance grants to counties for District Court.

Assumptions:

1. Department of Administration will pay each county an amount equal to the total District Court costs less the amount raised in each county from the maximum allowable District Court Levy.
2. The amount of deficit in the District Court fund in the 19 to 20 counties currently in a District Court deficit condition will continue to increase at the current rate of 21% per year. This rate contemplates an increase in court costs of approximately 10% per year and an increase in the taxable value of the mill at the 1980-81 rate for each county.
3. These estimates do not include the impact of major trials in small counties such as the current homicide case pending in Roosevelt County.
4. These impacts assume, of course, adequate appropriation to the Department of Administration to fulfill the purpose of this bill.

Fiscal Impact:

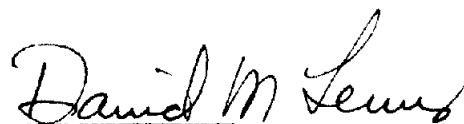
Additional costs of proposed Legislation FY 82 \$656,824, FY 83 \$794,757. Total biennium cost \$1,451,581.

Local Impact:

Counties whose District Court fund is in a deficit condition will not have to reduce court services or increase General Fund levies (where possible) to make up the District Court fund deficits.

Comments:

Pursuant to the Attorney General's opinion rendered to the Department of Administration Director, David M. Lewis on August 7, 1979, this bill would likely be subject to dispute concerning provisions of 7-6-2352 Section 3 (b) which relates to all lawful sources of funds for District Courts. This section may be interpreted to preclude any payment of State funds until all county sources of revenue (such as General Fund levies, General Revenue Sharing, Payments-in-Lieu-of-Taxes, etc.) be exhausted before any State grant could be made.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-5-81

STATE OF MONTANA

REQUEST NO. 253-81

FISCAL NOTE

(revised)

Form BD-15

In compliance with a written request received March 4, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 300 (amended) pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

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

An act to require the Department of Administration to make financial assistance grants to counties for district courts; amending section 7-6-2352, MCA; and providing an effective date.

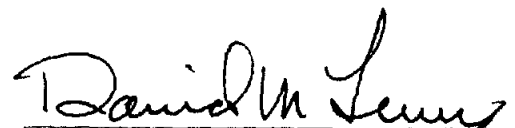
Fiscal Impact

The fiscal note originally prepared for Senate Bill 300 on February 5, 1981, of \$1,451,581 for the biennium remains the best estimate available of District Court overruns. Once again, please note that it does not contemplate the extraordinary court costs for cases such as one pending in Roosevelt County. This case has been estimated anywhere from \$50,000 to \$1,000,000. Because of the multitude of potential variables involved in this case, it is impossible to present accurate cost predictions.

Senate Bill 300 has been modified as follows:

1. Providing for proration of grant funds if sufficient funds are not appropriated.
2. Providing that grants may be made only "because of unanticipated costs arising from extraordinary activity in the civil and criminal operations of the District Court which exceed the amount of money derived, budgeted, and spent above the mill levy specified in 7-6-2511".

The first modification will not cause an additional fiscal impact since it simply guards against payments in excess of appropriations. It is impossible to determine the fiscal impact of the second modification, because there is no information available as to how much of previous overexpenditures are due to "extraordinary activity".



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-6-81

Approved by Committee
on Finance & Claims

1 SENATE BILL NO. 300
2 INTRODUCED BY KOLSTAD, LEE, GOODOVER, GRAHAM, HURWITZ,
3 GALT, AKLESTAD, NELSON, SIVERTSEN, BERTELSEN, HARP,
4 VINGER, IVERSON
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
7 DEPARTMENT OF ADMINISTRATION TO MAKE FINANCIAL ASSISTANCE
8 GRANTS TO COUNTIES FOR DISTRICT COURTS; AMENDING SECTION
9 7-6-2352, MCA; AND PROVIDING AN EFFECTIVE DATE."
10

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

12 Section 1. Section 7-6-2352, MCA, is amended to read:

13 "7-6-2352. State grants to district courts. (1) The
14 department of administration ~~may~~ shall make grants to the
15 governing body of a county for the district courts for
16 emergency assistance, as provided in this section. The
17 grants are to be made from funds appropriated to the
18 department for that purpose. IF THE DEPARTMENT OF
19 ADMINISTRATION APPROVES GRANTS IN EXCESS OF THE AMOUNT
20 APPROPRIATED, EACH GRANT SHALL BE REDUCED AN EQUAL
21 PERCENTAGE SO THE APPROPRIATION WILL NOT BE EXCEEDED.

22 (2) The governing body of a county may apply to the
23 department of administration for a grant ~~when the following~~
24 ~~conditions occur~~ by filing a written report BY JULY 31, FOR
25 THE PREVIOUS FISCAL YEAR stating THAT THE FOLLOWING

1 CONDITIONS HAVE OCCURRED OR WILL OCCUR:

2 (a) that the court will not be able to meet its
3 statutory obligations with the funds authorized under the
4 county budget, BECAUSE OF UNANTICIPATED COSTS ARISING FROM
5 EXTRAORDINARY ACTIVITY IN THE CIVIL OR CRIMINAL OPERATIONS
6 OF THE DISTRICT COURT WHICH EXCEED THE AMOUNT OF MONEY
7 DERIVED, BUDGETED, AND SPENT, ABOVE THE MILL LEVY SPECIFIED
8 IN 7-6-2511;

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

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

13 (d) that no transfers from the district court fund
14 have been or will be made to any other fund;

15 (e) that no expenditures have been made from the
16 district court fund that are not specifically authorized by
17 7-6-2511 and 7-6-2351; and

18 (f) any other information required by the department
19 of administration.

20 (3) ~~Within 10 days of receipt of the application, the~~
21 THE department of administration shall give notice to the
22 district court and the county governing body of its
23 intention to allow ~~the grant~~ GRANTS BY AUGUST 31 FOR THE
24 PREVIOUS FISCAL YEAR.

25 (4) Within 10 days of receiving notice from the

1 department of administration that a grant will be made, the
2 district court shall adopt an emergency a budget and
3 transmit it to the county governing body.

4 (5) After receiving notice of the county governing
5 body's approval of the emergency budget, the department of
6 administration shall cause a warrant to be issued to the
7 treasurer of the county in which the district court is
8 located for the total amount stated in the approved
9 emergency budget.

10 (6) The grant received by the county shall be placed
11 in an emergency a 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 department of administration
17 any amounts remaining in the emergency fund account."

18 Section 2. Effective date. This act is effective July
19 1, 1981.

-End-

SENATE BILL NO. 300

INTRODUCED BY KOLSTAD, LEE, GOODOVER, GRAHAM, HURWITZ,
GALT, AKLESTAD, NELSON, SIVERTSEN, BERTELSEN, HARP,
VINGER, IVERSON

A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
DEPARTMENT OF ADMINISTRATION TO MAKE FINANCIAL ASSISTANCE
GRANTS TO COUNTIES FOR DISTRICT COURTS; AMENDING SECTION
7-6-2352, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-6-2352, MCA, is amended to read:

"7-6-2352. State grants to district courts. (1) The
department of administration ~~may~~ shall make grants to the
governing body of a county for the district courts for
emergency assistance, as provided in this section. The
grants are to be made from funds appropriated to the
department for that purpose. IF THE DEPARTMENT OF
ADMINISTRATION APPROVES GRANTS IN EXCESS OF THE AMOUNT
APPROPRIATED, EACH GRANT SHALL BE REDUCED AN EQUAL
PERCENTAGE SO THE APPROPRIATION WILL NOT BE EXCEEDED.

(2) The governing body of a county may apply to the
department of administration for a grant ~~when the following
conditions occur~~ by filing a written report BY JULY 31, FOR
THE PREVIOUS FISCAL YEAR stating THAT THE FOLLOWING

CONDITIONS HAVE OCCURRED OR WILL OCCUR:

(a) that the court will not be able to meet its
statutory obligations with the funds authorized under the
county budget, BECAUSE OF UNANTICIPATED COSTS ARISING FROM
EXTRAORDINARY ACTIVITY IN THE CIVIL OR CRIMINAL OPERATIONS
OF THE DISTRICT COURT WHICH EXCEED THE AMOUNT OF MONEY
DERIVED, BUDGETED, AND SPENT, ABOVE THE MILL LEVY SPECIFIED
IN 7-6-2511;

(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;

(d) that no transfers from the district court fund
have been or will be made to any other fund;

(e) that no expenditures have been made from the
district court fund that are not specifically authorized by
7-6-2511 and 7-6-2351; and

(f) any other information required by the department
of administration.

~~(3) Within 10 days of receipt of the application, the~~
THE department of administration shall give notice to the
district court and the county governing body of its
intention to allow the ~~grant~~ GRANTS BY AUGUST 31 FOR THE
PREVIOUS FISCAL YEAR.

(4) Within 10 days of receiving notice from the

1 department of administration that a grant will be made, the
2 district court shall adopt an emergency a budget and
3 transmit it to the county governing body.

4 (5) After receiving notice of the county governing
5 body's approval of the emergency budget, the department of
6 administration shall cause a warrant to be issued to the
7 treasurer of the county in which the district court is
8 located for the total amount stated in the approved
9 emergency budget.

10 (6) The grant received by the county shall be placed
11 in an emergency a 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 department of administration
17 any amounts remaining in the emergency fund account."

18 Section 2. Effective date. This act is effective July
19 1, 1981.

-End-

1 SENATE BILL NO. 300

2 INTRODUCED BY KOLSTAD, LEE, GOODOVER, GRAHAM, HURWITZ,
3 GALT, AKLESTAD, NELSON, SIVERTSEN, BERTELSEN, HARP,
4 VINGER, IVERSON

5
6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE THE
7 DEPARTMENT OF ADMINISTRATION TO MAKE FINANCIAL ASSISTANCE
8 GRANTS TO COUNTIES FOR DISTRICT COURTS; AMENDING SECTION
9 7-6-2352, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

12 Section 1. Section 7-6-2352, MCA, is amended to read:

13 "7-6-2352. State grants to district courts. (1) The
14 department of administration ~~may~~ shall make grants to the
15 governing body of a county for the district courts for
16 emergency assistance, as provided in this section. The
17 grants are to be made from funds appropriated to the
18 department for that purpose. IF THE DEPARTMENT OF
19 ADMINISTRATION APPROVES GRANTS IN EXCESS OF THE AMOUNT
20 APPROPRIATED, EACH GRANT SHALL BE REDUCED AN EQUAL
21 PERCENTAGE SO THE APPROPRIATION WILL NOT BE EXCEEDED.

22 (2) The governing body of a county may apply to the
23 department of administration for a grant ~~when the following~~
24 ~~conditions occur~~, by filing a written report BY JULY 31, FOR
25 THE PREVIOUS FISCAL YEAR stating THAT THE FOLLOWING

1 CONDITIONS HAVE OCCURRED OR WILL OCCUR:

2 (a) that the court will not be able to meet its
3 statutory obligations with the funds authorized under the
4 county budget, ~~BECAUSE OF UNANTICIPATED COSTS ARISING FROM~~
5 ~~EXTRAORDINARY ACTIVITY IN THE CIVIL OR CRIMINAL OPERATIONS~~
6 ~~OF THE DISTRICT COURT WHICH EXCEED THE AMOUNT OF MONEY~~
7 ~~DERIVED, BUDGETED, AND SPENT, ABOVE THE MILL LEVY SPECIFIED~~
8 ~~IN 7-6-2511.~~

9 ~~(b) that all lawful sources of income to the district~~
10 ~~court fund have been exhausted;~~ EXPENSES EXCEEDING THE SUM
11 DERIVED FROM THE MILL LEVY PROVIDED FOR IN 7-6-2511 ARISING
12 FROM LITIGATION IN EITHER CIVIL OR CRIMINAL MATTERS, NOT
13 INCLUDING BUILDING, CAPITAL, AND LIBRARY MAINTENANCE,
14 REPLACEMENT, AND ACQUISITION, BUT INCLUDING THE COSTS
15 ASSOCIATED WITH:

- 16 (I) THE IMPANELING AND MAINTENANCE OF JURIES;
17 (II) THE APPEARANCE OF WITNESSES;
18 (III) THE FEES AND LITIGATION-RELATED EXPENSES OF
19 ATTORNEYS APPOINTED BY A DISTRICT COURT;
20 (IV) TRANSCRIPT PREPARED AT THE DIRECTION OF A DISTRICT
21 COURT AT COUNTY EXPENSE;
22 (V) SALARIES AND FEES OF COURT REPORTERS;
23 (VI) PSYCHOLOGICAL AND MEDICAL TREATMENT OR EVALUATIONS
24 ORDERED BY A DISTRICT COURT AT COUNTY EXPENSE;
25 (VII) THE ACTUAL AND NECESSARY EXPENSES OF TRAVEL AS

LIMITED BY LAW FOR:(A) JURORS;(B) WITNESSES;(C) COURT REPORTERS;(D) DEFENDANTS IN CRIMINAL CASES WHO ARE IN CUSTODY;(E) JUVENILES UNDER THE SUPERVISION OF A DISTRICT COURT; OR(F) LAW ENFORCEMENT OR PROBATION OFFICERS ACTING IN FURTHERANCE OF A DISTRICT COURT ORDER; AND(VIII) OTHER, SIMILAR EXPENSES CREATED BY AND REQUIRED FOR THE CONDUCT OF AND PREPARATION FOR A TRIAL IN DISTRICT COURT;(c)(B) that all expenditures from the district court fund have been lawfully made;(d)(C) that no transfers from the district court fund have been or will be made to any other fund;(e)(D) that no expenditures have been made from the district court fund that are not specifically authorized by 7-6-2511 and 7-6-2351; and(f)(E) any other information required by the department of administration.(3) ~~Within 10 days of receipt of the application, the~~ THE department of administration shall give notice to the district court and the county governing body of its intention to allow the grant GRANTS BY AUGUST 31 FOR THEPREVIOUS FISCAL YEAR.(4) Within 10 days of receiving notice from the department of administration that a grant will be made, the district court shall adopt an emergency a budget and transmit it to the county governing body.(5) After receiving notice of the county governing body's approval of the emergency budget, the department of administration shall cause a warrant to be issued to the treasurer of the county in which the district court is located for the total amount stated in the approved emergency budget.(6) The grant received by the county shall be placed in an emergency a fund account to be kept separate from the district court fund.(7) After depleting the district court fund, the county treasurer may make disbursements from the emergency fund account. At the close of its fiscal year, the county treasurer shall return to the department of administration any amounts remaining in the emergency fund account."

Section 2. Effective date. This act is effective July 1, 1981.

-End-

MARCH 30, 1981

HOUSE APPROPRIATIONS COMMITTEE AMENDMENT TO SENATE BILL NO. 300:

1. Page 2, lines 4 through 10
Following: "BECAUSE OF" on line 4
Strike: "UNANTICIPATED" through "exhausted;" on line 10
Insert: attached (Note: Caps and underscoring are already shown)
Reletter: subsequent subsections

"EXPENSES EXCEEDING THE SUM DERIVED FROM THE MILL LEVY PROVIDED FOR IN 7-6-2511 ARISING FROM LITIGATION IN EITHER CIVIL OR CRIMINAL MATTERS, NOT INCLUDING BUILDING, CAPITAL, AND LIBRARY MAINTENANCE, REPLACEMENT, AND ACQUISITION, BUT INCLUDING THE COSTS ASSOCIATED WITH:

- (1) THE IMPANELLING AND MAINTENANCE OF JURIES;
- (2) THE APPEARANCE OF WITNESSES;
- (3) THE FEES AND LITIGATION RELATED EXPENSES OF ATTORNEYS APPOINTED BY A DISTRICT COURT;
- (4) TRANSCRIPT PREPARED AT THE DIRECTION OF A DISTRICT COURT AT COUNTY EXPENSE;
- (5) SALARIES AND FEES OF COURT REPORTERS;
- (6) PSYCHOLOGICAL AND MEDICAL TREATMENT OR EVALUATIONS ORDERED BY A DISTRICT COURT AT COUNTY EXPENSE;
- (7) THE ACTUAL AND NECESSARY EXPENSES OF TRAVEL AS LIMITED BY LAW FOR:

- (i) JURORS;
- (ii) WITNESSES;
- (iii) COURT REPORTERS;
- (iv) DEFENDANTS IN CRIMINAL CASES WHO ARE IN CUSTODY;
- (v) JUVENILES UNDER THE SUPERVISION OF A DISTRICT COURT; OR
- (vi) LAW ENFORCEMENT OR PROBATION OFFICERS ACTING IN FURTHERANCE OF A DISTRICT COURT ORDER; AND

- (8) OTHER, SIMILAR EXPENSES CREATED BY AND REQUIRED FOR THE CONDUCT OF AND PREPARATION FOR A TRIAL IN DISTRICT COURT;