

Senate Bill 373

In The Senate

February 5, 1981	Introduced and referred to Committee on Finance and Claims.
	Fiscal note requested.
February 9, 1981	Fiscal note returned.
February 21, 1981	Committee recommend bill do not pass.

1 *Sen. Norman* BILL NO. 373
 2 INTRODUCED BY Norman

3 BY REQUEST OF THE OFFICE OF THE GOVERNOR

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY THE METHOD
 6 OF FUNDING DISTRICT COURTS AND TO GENERALLY REVISE THE
 7 PROCEDURE FOR AWARDING STATE GRANTS TO DISTRICT COURTS FOR
 8 EMERGENCY EXPENSES; AMENDING SECTIONS 7-6-2301 THROUGH
 9 7-6-2303 AND 7-6-2511, MCA; REPEALING SECTION 7-6-2352, MCA,
 10 AND SECTION 3, CHAPTER 692, LAWS OF 1979; AND PROVIDING AN
 11 EFFECTIVE DATE."

12
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 7-6-2511, MCA, is amended to read:

15 "7-6-2511. County levy for district court expenses.

16 ~~(1) Except as provided in [section 3], the county governing~~
 17 ~~body must budget for and pay all costs associated with~~
 18 ~~district court operations.~~

19 ~~(2) The county governing body may fund district court~~
 20 ~~operations with revenue generated by the all-purpose levy~~
 21 ~~imposed under 7-6-2501 or any other available revenues.~~

22 ~~(3) The In addition, the governing body of each county~~
 23 ~~may each year levy and collect a tax on the taxable property~~
 24 ~~of the county for all district court costs, except those~~
 25 ~~listed in 3-5-211, 3-5-213, and 3-5-215. The tax may not~~

1 exceed 6 mills in the first- and second-class counties, 5
 2 mills in third- and fourth-class counties, and 4 mills in
 3 fifth-, sixth-, and seventh-class counties. These expenses
 4 include but are not limited to salary and benefits for court
 5 clerks, court reporters, youth probation officers, and other
 6 employees of the district court."

7 NEW SECTION. Section 2. Definition. For the purposes
 8 of [sections 2 through 7], "emergency expenses" means
 9 unanticipated litigation-related expenses incurred as a
 10 result of a district court exercising its jurisdiction as
 11 set forth in Article VII, section 4, of the 1972
 12 Constitution of the State of Montana. "Emergency expenses"
 13 does not include administrative expenses incurred as a
 14 result of the district court exercising that jurisdiction.
 15 Expenses in excess of the levy in 7-6-2511 are not emergency
 16 expenses except as defined above.

17 NEW SECTION. Section 3. State grants to district
 18 courts for emergency expenses. (1) The supreme court may
 19 award a grant to the governing body of a county for
 20 emergency expenses incurred by the district court during the
 21 previous fiscal year. The grant must be made from funds
 22 appropriated to the department of administration for that
 23 purpose.

24 (2) A county may not apply for a grant for emergency
 25 expenses unless during the year in which the emergency

1 expenses were incurred the county imposed the total mill
2 levy authorized under 7-6-2511 and the district court
3 exhausted the proceeds of such levy.

4 NEW SECTION. Section 4. Application for grant for
5 emergency expenses. (1) At the end of each fiscal year the
6 county governing body may apply to the supreme court for a
7 grant for emergency expenses incurred during that fiscal
8 year. The application must be received by the supreme court
9 no later than July 31.

10 (2) The application must contain:

11 (a) a list of emergency expenses for which the grant
12 is sought, accompanied by supporting documentation;

13 (b) a description of the circumstances that required
14 the emergency expenses;

15 (c) a verification that the total district court levy
16 allowed a county under 7-6-2511 was imposed in the fiscal
17 year in which the emergency expenses were incurred;

18 (d) a statement that:

19 (i) all expenditures from the district court fund have
20 been lawfully made for purposes specifically authorized by
21 7-6-2511 and 7-6-2351; and

22 (ii) no transfers from the district court fund have
23 been made to any other fund; and

24 (e) any other pertinent information the supreme court
25 may require.

1 NEW SECTION. Section 5. Processing of application.
2 Every August the supreme court shall review all applications
3 received for grants for emergency expenses in the previous
4 fiscal year. By August 30 of each year the supreme court
5 shall notify the department of administration which grants
6 are to be awarded. The total amount of grants awarded may
7 not exceed the fiscal year appropriation for emergency
8 grants.

9 NEW SECTION. Section 6. Payment of grant. (1) By
10 September 30 the department of administration shall cause a
11 warrant to be issued to the treasurer of each county to
12 which the supreme court has awarded a grant for emergency
13 expenses.

14 (2) The grant received by a county shall be used only
15 to pay the emergency expenses listed in the grant
16 application.

17 NEW SECTION. Section 7. Supreme court -- rulemaking
18 authority. (1) The supreme court may adopt rules further
19 defining the litigation-related expenses for which a grant
20 for emergency expenses may be awarded.

21 (2) The supreme court may adopt other rules necessary
22 for the administration of [sections 2 through 7].

23 Section 8. Section 7-6-2301, MCA, is amended to read:
24 "7-6-2301. Construction of part. This part, except
25 7-6-2351 and 7-6-2352 [sections 2 through 7], shall not be

1 construed to create any new fund or funds or to authorize a
 2 levy to be made for any fund in excess of the limitation now
 3 prescribed by existing law or acts amendatory thereof."

4 Section 9. Section 7-6-2302, MCA, is amended to read:

5 "7-6-2302. Role of department of community affairs.
 6 The department of community affairs shall make rules and
 7 classifications and prescribe forms necessary to carry out
 8 the provisions of this part, except 7-6-2351 and ~~7-6-2352~~
 9 [sections 2 through 7], to define what expenditures are
 10 chargeable to each budget account, and to establish
 11 accounting and cost systems necessary to provide accurate
 12 budget information."

13 Section 10. Section 7-6-2303, MCA, is amended to read:

14 "7-6-2303. Violations. Any person violating any of the
 15 provisions of this part, except 7-6-2351 and ~~7-6-2352~~
 16 [sections 2 through 7], shall be guilty of a misdemeanor."

17 Section 11. Codification instruction. Sections 2
 18 through 7 are intended to be codified in Title 7, chapter 6,
 19 part 23.

20 Section 12. Repealer. Section 7-6-2352, MCA, and
 21 section 3, Chapter 692, Laws of 1979, are repealed.

22 Section 13. Effective date -- initial application. (1)

23 This act is effective July 1, 1981.

24 (2) County governing bodies must apply by July 31,
 25 1981, to the supreme court for grants for emergency expenses

1 incurred in fiscal year 1981.

-End-

STATE OF MONTANA

REQUEST NO. 313-81

FISCAL NOTE

Form BL-15

In compliance with a written request received February 6, 19 81, there is hereby submitted a Fiscal Note for Senate Bill 373 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 clarify the method of funding district courts and to generally revise the procedure for awarding state grants to district courts for emergency expenses.

Assumptions

1. This bill applies to extraordinary (unanticipated and emergency) litigation related (i.e. public defense, jurors expenses, witness expenses, transportation and medical/psychiatric evaluations) District Court costs.
2. Counties must exhaust all funds provided by the maximum District Court Fund levy (6, 5, or 4 mills).
3. Estimate that 2 such cases will occur per year (based on figures from the Supreme Court).
4. Average allowable cost per case is \$100,000 (based on information from the Department of Community Affairs audit of Phillips County (Loring Case, September 17, 1979) and a phone conversation with Roosevelt County Officials).
5. Two (2) cases per year x \$100,000 = \$200,000 per year - \$400,000 per biennium.

Fiscal Impact

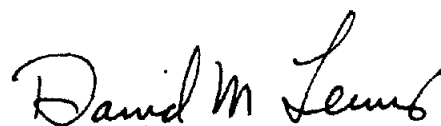
\$400 for the biennium.

Local Impact

Counties who are successful in obtaining grants would not have to expend other sources of revenue (General Fund, Revenue Sharing) or reduce services to cover allowable costs.

Comments

The unique nature of the type of cases addressed by this bill makes ANY approximation of frequency or cost questionable. Section 5 limits the grants to the appropriation available. Governor Schwinden's budget has set aside \$1.5 million per year for this purpose.



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-9-81