SENATE BILL NO. 19

INTRODUCED BY KOLSTAD, CURTISS

BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY

IN THE SENATE

January 3, 1983	Introduced and referred to Committee on Finance and Claims.
January 11, 1983	Fiscal Note requested.
January 14, 1983	Fiscal Note returned.
January 26, 1983	Committee recommend bill do pass. Report adopted.
January 27, 1983	Bill printed and placed on members' desks.
January 28, 1983	Second reading, do pass. Statement of Intent added.
January 29, 1983	Correctly engrossed.
January 31, 1983	Third reading, passed. Ayes, 49; Noes, 0. Transmitted to House.

IN THE HOUSE

February 1, 1983	Introduced and referred to Committee on Local Government.
March 11, 1983	Committee recommend bill be concurred in. Report adopted.
March 15, 1983	Second reading, pass consideration.
March 18, 1983	Second reading, concurred in.
March 19, 1983	Third reading, concurred in.

IN THE SENATE

March 21, 1983

Returned to Senate. Sent to enrolling.

Reported correctly enrolled.

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3	BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY
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5	A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISIONS
6	FOR STATE GRANTS TO COUNTIES FOR DISTRICT COURT ASSISTANCE;
7	PROVIDING A FORMULA FOR COMPUTING THE GRANTS; REQUIRING THE
8	DEPARTMENT OF ADMINISTRATION TO AUDIT GRANT RECIPIENTS;
9	GRANTING THE DEPARTMENT RULEMAKING AUTHORITY; AMENDING
10	7-6-2352, MCA: REPEALING SECTION 3, CHAPTER 692, LAWS OF
11	1979: AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
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13	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
14	Section 1. Section 7-6-2352, MCA, is amended to read:
15	*7-6-2352. State grants to district courts == rules.
16	(1) The department of administration shall make grants to
17	the governing body of a county for the district courts for
18	assistance, as provided in this section. The grants are to
19	be made from funds appropriated to the department for that
20	purpose. If the department ofadministration approves
21	grants in excess of the amount appropriated, each grant
22	shall be reduced an equal percentage so the appropriation
23	will not be exceeded.
24	(2) The governing body of a county may apply to the
25	department of-administration for a grant by filing a written

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18) If the audit of a grant recipient discloses that the recipient received a grant in excess of the amount for which it was eligible, the recipient shall repay the excess to the department. The department shall redistribute any repaid excess amounts to the other counties that received grants from the appropriation from which the gyerpayment was made, on the same basis as the original awards. No county is eligible for a district court grant if it owes the department a refund of a prior year's overpayment.

19) The department shall prescribe rules and forms

necessary to effectively administer this section. The department may require a county to provide any information considered necessary for the administration of the program."

NEW SECTION. Section 2. Repealer. Section 3. Chapter 692. Laws of 1979, is repealed.

1 NEW SECTION. Section 3. Effective date. This act is

2 effective on passage and approval.

-End-

STATE OF MONTANA

REQUEST NO. 076-83

FISCAL NOTE

Form BD-15

			T 4		The second secon	and the second s	-	eby submitted a	
for _	Senate	Bill 19		oursuant to T	itle 5, Chapter 4	, Part 2 of the	Montana Coo	le Annotated (MC	A).
Back	ground inform	mation used in	n developing	this Fiscal No	te is available fr	om the Office o	f Budget and I	Program Planning,	to members
of th	e Legislature	upon reques	t.				<u> </u>		
					That is the				

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 19 continues the district court grant program administered by the Department of Administration and revises the formula used to distribute appropriations made for grants.

ASSUMPTIONS:

- 1) That the district court grant program will be funded at a level which will allow the Department of Administration to make grants equal to the requests received from the counties.
- 2) That those 21 counties requesting grants during fiscal year 1983 will continue to request assistance during each of year of the biennium.
- 3) That the additional 12 counties who had 1982 district court expenses in excess of their maximum levy proceeds would apply for state grant assistance if the grant program were fully funded.
- 4) That county taxable valuations will remain at their current levels throughout the biennium.
- 5) That the current law authorizing district court grants is due to sunset on June 30, 1983.

FISCAL IMPACT:

FY 84

FY 85

General Fund Cost

\$ 1,640,905

\$ 1,821,074

LOCAL IMPACT:

District court grants should allow counties to either reduce their current year's mill levy for district court purposes, redeem registered district court warrants, or add to the district court fund cash reserve. Counties will bear the cost of auditing their respective grant applicants. This money is included in the Executive Budget.

Continued

BUDGET DIRECTOR

Office of Budget and Program Planning

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COMMENTS:

It is impossible to estimate to extent of civil and criminal litigation which will impact the district court system during the 1985 biennium.

At least one pre-filed bill for consideration by the 1983 legislature creates an additional district court judge. Even though judicial salaries are paid by the state, other expenses connected with new courts are eligible for state participation.

FISCAL NOTE3:AA/2

Approved by Committee on Finance& Claims

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LC 0014/01

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- effective on passage and approval.

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2	SENATE BILL 19
3	Senate Finance and Claims Committee
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7	Administration for the purpose of administering the state
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MR. SPEAKER

WE, YOUR COMMITTEE ON LOCAL GOVERNMENT, HAVING HAD UNDER CONSIDERATION SENATE BILL NO. 19, THIRD READING COPY (BLUE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT SENATE BILL NO. 19

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Administration for the purpose of administering the state grant to district courts programs.

Section 1 of this bill requires the Department of Administration to prescribe rules and forms necessary to effectively administer the program. It is contemplated that the rules will address the following:

- (a) definition of terms;
- (b) standard grant application format;
- (c) circumstances for permitting time extension of grant application;
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 - (e) procedures for adjusting grant awards following audit.

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46th Legislature SB 0019/02

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8	DEPARTMENT OF ADMINISTRATION TO AUDIT GRANT RECIPIENTS;
9	GRANTING THE DEPARTMENT RULEMAKING AUTHORITY; AMENDING
0	7-6-2352, MCA; REPEALING SECTION 3, CHAPTER 692, LAWS OF
1	1979; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.
2	
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4	Section 1. Section 7-6-2352, MCA, is amended to read:
5	#1-6-2352. State grants to district courts rules.
6	(1) The department of administration shall make grants to
7	the governing body of a county for the district courts for
8	assistance, as provided in this section. The grants are to
9	be made from funds appropriated to the department for that
0	purpose. If the department ofedministration approves
1	grants in excess of the amount appropriated, each grant
Z	shall be reduced an equal percentage so the appropriation
3	will not be exceeded.
4	(2) The governing body of a county may apply to the
5	department of-edministration for a grant by filing a written

1	report request on forms provided by the department by Jul
2	31 20, for the previous fiscal year unless the departmen
3	grants_a_time_extension_upon_request_of_the_county_ station
4	that-the-following-conditions-have-occurred-orwillaccur
5	fa;thatthecourtwillnotbeableta-meet-it
6	statutory-obligations-with-the-fundsauthorizedunderth
7	county-budgety-because-of-expenses-exceeding-the-sum-derive
8	fromthemilllevyprovided-for-in-2-6-2511-artsing-from
9	litigationineithercivilorcriminalmattersyno
10	ineludingbuildingycapitalyandlibrarymaintenance
11	replacementyandscquisitionybutincludingthecost
12	essociated-with*
13	filthe-impanaling-and-mathtenance-of-juries;
14	fit)-the-appearance-of-witnessest
15	(+++)-thefeesand++tigation-relatedexpansese
16	attorneys-appointed-by-a-district-court;
17	(iv)-transcript-prepared-at-the-direction-of-a-district
18	court-st-county-expenses
19	fv)salaries-and-fees-of-court-reporters;
20	(vi)-psychological-and-medical-treatment-or-evaluations
21	ordered-by-a-district-court-at-county-expense;
22	(vii)-the-actual-and-necessary-expensesoftravela
23	itmited-by-low-fore
24	tk)jurors;
25	f8}wttnesses;

-2-

SB 0019/02

SB 0019/02.

1	f6)court-reporters;
2	(D)defendantsineriminal-cases-who-are-in-eastody;
3	fE}juvenites-underthesupervisionofadistrict
4	courty-or
5	{F}lowenforcementorprobation-officers-acting-in
6	furtherance-of-a-district-court-orders-and
7	fviit-otherv-simitar-expenses-created-by-andrequired
8	fortheconduct-of-and-preparation-for-a-trial-in-district
9	courty In its request for a grants a county must certify
10	thati
11	fb)[a] that all expenditures from the district court
12	fund have been lawfully made;
13	tellb) that no transfers from the district court fund
14	have been or will be made to any other fund; and
15	(d)(C) 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	tetanyotherinformation-required-by-the-department
19	of-administration.
20	131_The_department_shall_award_a_grant_if_the_county's
21	district_court_expenditures_for_tbe_previous_fiscal_year
22	exceededtbe_sum_of:
23	fal_the_product_of_the_maximum_mill_levy_authorized_by
24	law_for_district_court_purposes_whether_or_not_assessed.
25	multiplied by the previous year's taxable valuation of the

1	county1_and
2	(b) all revenues: except district court grants
3	required by law to be deposited in the district court fund
4	for_the_previous_fiscal_year.
5	(1) Eligible court expenditures for grant purpose:
6	include all costs of the county associated with the
7	operation and maintenance of the district courts from
8	whatever fund paids except costs for puilding and capital
9	items and library maintenances replacements and acquisitions
0	f3f(51) The department ofadministration shall give
1	notice-to-the-district-court-ond-the <u>qotify_each_eligible</u>
2	county governing-body as soon as possible of its intention
3	to ollow-grants-by-August-3l-for-thepreviousfiscolyear
4	award a grant to that county and the amount of the award.
5	{4}W+thin18daysofreceivingnoticefromth
.6	department-of-administration-that-a-grant-will-be-madevthe
.7	districtcourtshell-adopt-a-budget-and-transmit-it-to-the
8	county-governing-body+
9	f5}After-receiving-noticeofthecountygoverning
0	body*sepprova}ofthebudgetythedepartmentof
:1	administration-shall-cause-a-warrant-tobeissuedtothe
2	tressurerofthecountyinwhichthe-district-court-is
:3	+ocated-for-the-total-amount-stated-in-the-approvedbudgets
4	(6) The grant received by the county shall be placed
	to a final records to the track accounts from the district

\$8 0019/02

\$8 0019/02

court fund.

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(7) After depleting-the--district--court--fundy--the county--treasurer--may--make--disbursements---from--the--fund account -- At--the--clase--of--its--fiseal--yeary--the-county trensurer-shall-return-to-the-department--of--administration any--amounts--remaining--in-the-fund-accounts all_grants_are awardeds_the_department_shall_audit_each_approved_grant request. The department shall charge each county receiving a grant an audit fee in the same amount as the costs incurred in conducting the audit.

181 If the audit of a grant recipient discloses that the recipient received a grant in excess of the asount for which it was eligible, the recipient shall repay the excess to the department. The department shall redistribute any repaid excess amounts to the other counties that received grants_from_the_appropriation_from_which_the_overpayment_was mades on the same basis as the original awards. No county is eligible for a district court grant if it owes the department a refund of a prior year's overpayment.

(9) The department shall prescribe rules and forms necessary to effectively administer this section. The department _may _fequire a county to provide any information considered necessary for the administration of the program." NEW_SECTION: Section 2. Repealer. Section 3. Chapter

692, Laws of 1979, is repealed.

1 YEM_SECTION: Section 3. Effective date. This act is

effective on passage and approval.

-End-

-6-