

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.

SENATE BILL NO. 19

INTRODUCED BY KOLSTAD, CURTISS

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PROVISIONS FOR STATE GRANTS TO COUNTIES FOR DISTRICT COURT ASSISTANCE; PROVIDING A FORMULA FOR COMPUTING THE GRANTS; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO AUDIT GRANT RECIPIENTS; GRANTING THE DEPARTMENT RULEMAKING AUTHORITY; AMENDING 7-6-2352, MCA; REPEALING SECTION 3, CHAPTER 692, LAWS OF 1979; AND PROVIDING AN IMMEDIATE 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 --rules.

(1) The department of administration shall make grants to the governing body of a county for the district courts for 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 by filling a written

report request on forms provided by the department by July 31 20, for the previous fiscal year unless the department grants a time extension upon request of the county, stating that the following conditions have occurred or will occur:

(i) that the court will not be able to meet its statutory obligations with the funds authorized under the county budget, because of 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:

(i) the impaneling and maintenance of juries;

(ii) the appearance of witnesses;

(iii) the fees and litigation-related expenses of attorneys appointed by a district court;

(iv) transcript prepared at the direction of a district court at county expense;

(v) salaries and fees of court reporters;

(vi) psychological and medical treatment or evaluations ordered by a district court at county expense;

(vii) the actual and necessary expenses of travel as limited by law for:

(A) jurors;

(B) witnesses;

1 ~~{E}--court-reporters;~~
 2 ~~{B}--defendants--in--criminal--cases--who--are--in--custody;~~
 3 ~~{E}--juveniles--under--the--supervision--of--a--district~~
 4 ~~court;--or~~
 5 ~~{F}--law--enforcement--or--probation--officers--acting--in~~
 6 ~~furtherance--of--a--district--court--order;--and~~
 7 ~~{viii}--other--similar--expenses--created--by--and--required~~
 8 ~~for--the--conduct--of--and--preparation--for--a--trial--in--district~~
 9 ~~court; In its request for a grant, a county must certify~~
 10 ~~that:~~
 11 ~~{b)(a) that all expenditures from the district court~~
 12 ~~fund have been lawfully made;~~
 13 ~~{c)(b) 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 ~~{e}--any--other--information--required--by--the--department~~
 19 ~~of--administration.~~
 20 {3} The department shall award a grant if the county's
 21 district court expenditures for the previous fiscal year
 22 exceeded the sum of:
 23 (a) 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 county; 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 (4) Eligible court expenditures for grant purposes
 6 include all costs of the county associated with the
 7 operation and maintenance of the district court, from
 8 whatever fund paid, except costs for building and capital
 9 items and library maintenance, replacements and acquisitions.
 10 (3)(5) The department of--administration shall give
 11 notice--to--the--district--court--and--the notify each eligible
 12 county governing--body as soon as possible of its intention
 13 to award grants by August 31 for the--previous--fiscal--year
 14 award a grant to that county and the amount of the award.
 15 (4)--Within--10--days--of--receiving--notice--from--the
 16 department--of--administration--that--a--grant--will--be--made--the
 17 district--court--shall--adopt--a--budget--and--transmit--it--to--the
 18 county--governing--body.
 19 (5)--After--receiving--notice--of--the--county--governing
 20 body's--approval--of--the--budget--the--department--of
 21 administration--shall--cause--a--warrant--to--be--issued--to--the
 22 treasurer--of--the--county--in--which--the--district--court--is
 23 located--for--the--total--amount--stated--in--the--approved--budget.
 24 (6) The grant received by the county shall be placed
 25 in a fund account to be kept--separate--from the district

1 court fund.

2 (7) After depleting--the--district--court--fund--the
3 county--treasurer--may--make--disbursements--from--the--fund
4 accounts--At--the--close--of--its--fiscal--year--the--county
5 treasurer--shall--return--to--the--department--of--administration
6 any--amounts--remaining--in--the--fund--accounts. all grants are
7 awarded, the department shall audit each approved grant
8 request. The department shall charge each county receiving
9 a grant an audit fee in the same amount as the costs
10 incurred in conducting the audit.

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

20 (9) The department shall prescribe rules and forms
21 necessary to effectively administer this section. The
22 department may require a county to provide any information
23 considered necessary for the administration of the program."

24 NEW SECTION. Section 2. Repealer. Section 3, Chapter
25 692, 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

In compliance with a written request received January 11, 19 83, there is hereby submitted a Fiscal Note for Senate Bill 19 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:

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:

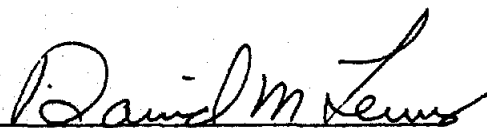
- 1) That the district court grant program will be funded at a level which will allow the Department of Administration to make grants equal to the requests received from the counties.
- 2) That those 21 counties requesting grants during fiscal year 1983 will continue to request assistance during each 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:

	<u>FY 84</u>	<u>FY 85</u>
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

Date: 1-14-83

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.

Approved by Committee
on Finance & Claims

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3 BY REQUEST OF THE JOINT SUBCOMMITTEE ON JUDICIARY
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13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
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21 grants in excess of the amount appropriated, each grant
22 shall be reduced an equal percentage so the appropriation
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25 department of ~~administration~~ for a grant by filing a written

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SECOND READING

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1 STATEMENT OF INTENT

2 SENATE BILL 19

3 Senate Finance and Claims Committee

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6 it grants rulemaking authority to the Department of
7 Administration for the purpose of administering the state
8 grant to district courts programs.

9 Section 1 of this bill requires the Department of
10 Administration to prescribe rules and forms necessary to
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12 the rules will address the following:

- 13 (a) definition of terms;
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15 (c) circumstances for permitting time extension of
16 grant application;
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18 (e) procedures for adjusting grant awards following
19 audit.

THIRD READING

SB 19

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 16 ~~department of administration that a grant will be made, the~~
 17 ~~district court shall adopt a budget and transmit it to the~~
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24 **NEW SECTION.** Section 2. Repealer. Section 3, Chapter
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 2 effective on passage and approval.

-End-

March 10, 1983

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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 14 ~~have been or will be made to any other fund; and~~
 15 ~~(d)(i) 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 ~~(e) any other information required by the department~~
 19 ~~of administration.~~
 20 ~~(3) The department shall award a grant if the county's~~
 21 ~~district court expenditures for the previous fiscal year~~
 22 ~~exceeded the sum of:~~
 23 ~~(a) 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 county, 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 (3) Eligible court expenditures for grant purposes
 6 include all costs of the county associated with the
 7 operation and maintenance of the district court, from
 8 whatever fund paid, except costs for building and capital
 9 items and library maintenance, replacement, and acquisition;
 10 (3)(5) The department of administration shall give
 11 notice to the district court and the notify each eligible
 12 county governing body as soon as possible of its intention
 13 to allow grants by August 31 for the previous fiscal year
 14 award a grant to that county and the amount of the award.
 15 (4) Within 10 days of receiving notice from the
 16 department of administration that a grant will be made, the
 17 district court shall adopt a budget and transmit it to the
 18 county governing body;
 19 (5) After receiving notice of the county governing
 20 body's approval of the budget, the department of
 21 administration shall cause a warrant to be issued to the
 22 treasurer of the county in which the district court is
 23 located for the total amount stated in the approved budget;
 24 (6) The grant received by the county shall be placed
 25 in a fund account to be kept separate from the district

1 court fund.

2 (7) After ~~depleting the district court fund, the~~
 3 ~~county treasurer may make disbursements from the fund~~
 4 ~~accounts. At the close of its fiscal year, the county~~
 5 ~~treasurer shall return to the department of administration~~
 6 ~~any amounts remaining in the fund accounts. All grants are~~
 7 ~~awarded; the department shall audit each approved grant~~
 8 ~~request. The department shall charge each county receiving~~
 9 ~~a grant an audit fee in the same amount as the costs~~
 10 ~~incurred in conducting the audit.~~

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

20 ~~(9) The department shall prescribe rules and forms~~
 21 ~~necessary to effectively administer this section. The~~
 22 ~~department may require a county to provide any information~~
 23 ~~considered necessary for the administration of the program."~~

24 ~~NEW SECTION. Section 2. Repealer. Section 3, Chapter~~
 25 ~~692, Laws of 1979, is repealed.~~

1 ~~NEW SECTION. Section 3. Effective date. This act is~~
 2 ~~effective on passage and approval.~~

-End-