

MARCH 31, 1987

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

1 *Senate* BILL NO. 175
2 INTRODUCED BY *Hallyan*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT MONEY
5 APPROPRIATED IN EXCESS OF THE AMOUNT NEEDED TO FUND DISTRICT
6 COURT EXPENSES IN CRIMINAL CASES BE USED FOR DISTRICT COURT
7 GRANTS; AMENDING SECTIONS 3-5-901, 7-6-2352, AND 61-3-509,
8 MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 3-5-901, MCA, is amended to read:

12 "3-5-901. State assumption of certain district court
13 expenses. (1) Effective July 1, 1985, the state shall, to
14 the extent that money is appropriated, fund the following
15 district court expenses in criminal cases only:

- 16 (a) salaries of court reporters;
- 17 (b) transcripts of proceedings;
- 18 (c) witness fees and necessary expenses;
- 19 (d) juror fees;
- 20 (e) indigent defense; and
- 21 (f) psychiatric examinations.

22 (2) The department of commerce, in consultation with
23 the district judges for each judicial district, shall
24 include within the department's biennial budget request to
25 the legislature a request for funding the expenses listed in

1 subsection (1).

2 (3) (a) If money appropriated for the expenses listed
3 in subsection (1):

4 (i) exceeds the amount necessary to fully fund those
5 expenses, the excess amount must be used for district court
6 grants as provided in 7-6-2352; or

7 (ii) is insufficient to fully fund those expenses, the
8 county is responsible for payment of the balance.

9 (b) If no money is appropriated, the county is
10 responsible for payment of all expenses."

11 Section 2. Section 7-6-2352, MCA, is amended to read:

12 "7-6-2352. State grants to district courts -- rules.
13 (1) The department of commerce shall make grants, to the
14 extent funds are appropriated--for-that-purpose available
15 after expenses provided for in 3-5-901 are funded, to the
16 governing body of a county for the district courts for
17 assistance, as provided in this section.

18 (2) The governing body of a county may apply to the
19 department of commerce for a grant by filing a written
20 request on forms provided by the department by July 20 for
21 the previous fiscal year unless the department grants a time
22 extension upon request of the county. In its request for a
23 grant, a county must certify that:

24 (a) all expenditures from the district court fund have
25 been lawfully made;



1 (b) no transfers from the district court fund have
2 been or will be made to any other fund; and

3 (c) no expenditures have been made from the district
4 court fund that are not specifically authorized by 7-6-2511
5 and 7-6-2351.

6 (3) To the extent funds are available, the department
7 of commerce shall award a grant if the county's district
8 court expenditures for the previous fiscal year exceeded the
9 sum of:

10 (a) the product of the maximum mill levy authorized by
11 law for district court purposes, whether or not assessed,
12 multiplied by the previous year's taxable valuation of the
13 county; and

14 (b) all revenues, except district court grants,
15 required by law to be deposited in the district court fund
16 for the previous fiscal year.

17 (4) Eligible court expenditures for grant purposes
18 include all costs of the county associated with the
19 operation and maintenance of the district court, from
20 whatever fund paid, except costs for building and capital
21 items and library maintenance, replacement, and acquisition.

22 (5) The department of commerce shall notify each
23 eligible county as soon as possible of its intention to
24 award a grant to that county and the amount of the award.

25 (6) The grant received by the county shall be placed

1 in the district court fund.

2 (7) After all grants are awarded, the department of
3 commerce shall audit each approved grant request. The
4 department shall charge each county receiving a grant an
5 audit fee in the same amount as the costs incurred in
6 conducting the audit.

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

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

22 Section 3. Section 61-3-509, MCA, is amended to read:
23 "61-3-509. (Temporary) Disposition of taxes and fees
24 in lieu of tax. (1) Except as provided in subsections (2)
25 and (3), the county treasurer shall credit all taxes on

1 motor vehicles, light vehicle license fees provided for in
 2 61-3-532, and fees in lieu of tax on motorcycles,
 3 quadricycles, motor homes, and travel trailers collected to
 4 a motor vehicle suspense fund, and at some time between
 5 March 1 and March 10 of each year and every 60 days
 6 thereafter, the county treasurer shall distribute the money
 7 in the motor vehicle suspense fund in the relative
 8 proportions required by the levies for state, county, school
 9 district, and municipal purposes in the same manner as
 10 personal property taxes are distributed.

11 (2) The county treasurer shall credit the fee for
 12 district courts from each light vehicle license fee to a
 13 separate suspense account and shall forward the amount in
 14 the account to the state treasurer at the time the county
 15 treasurer distributes the motor vehicle suspense fund. The
 16 state treasurer shall credit amounts received under this
 17 subsection to the general fund to be used for purposes of
 18 state funding of the district court expenses enumerated as
 19 provided in 3-5-901.

20 (3) The county treasurer shall credit each block grant
 21 fee to a separate suspense fund. At the time he distributes
 22 the motor vehicle suspense fund, the treasurer shall
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 24 to the state treasurer for deposit in the local government
 25 block grant account provided for in 7-6-302. The funds

1 distributed pursuant to this subsection must be used for the
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 3 61-3-509. (Effective July 1, 1987) Disposition of
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15 NEW SECTION. Section 4. Extension of authority. Any
 16 existing authority of the department of commerce to make
 17 rules on the subject of the provisions of this act is
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APPROVED BY COMM.
ON LOCAL GOVERNMENT

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23 the district judges for each judicial district, shall
24 include within the department's biennial budget request to
25 the legislature a request for funding the expenses listed in

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20 whatever fund paid, except costs for building and capital
21 items and library maintenance, replacement, and acquisition.

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INTRODUCED BY

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(2) The department of commerce, in consultation with the district judges for each judicial district, shall include within the department's biennial budget request to the legislature a request for funding the expenses listed in

subsection (1).

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