

HOUSE BILL NO. 673

INTRODUCED BY MENAHAN, HARRINGTON

IN THE HOUSE

MARCH 11, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION.
	FIRST READING.
MARCH 25, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 27, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
MARCH 29, 1993	ENGROSSING REPORT.
MARCH 30, 1993	THIRD READING, PASSED. AYES, 93; NOES, 6.
MARCH 31, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 14, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 15, 1993	SECOND READING, CONCURRED IN.
	ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING.
	THIRD READING, CONCURRED IN. AYES, 41; NOES, 8.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 16, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
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APRIL 19, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *673*
 2 INTRODUCED BY *Morrison Jamnagin*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT
 5 PROBATIONERS AND PAROLEES PAY A SUPERVISORY FEE; STATUTORILY
 6 APPROPRIATING THE MONEY COLLECTED FROM THE FEE; PROVIDING
 7 THAT THE MONEY BE USED FOR EQUIPMENT AND TRAINING FOR
 8 PROBATION AND PAROLE OFFICERS; AMENDING SECTION 17-7-502,
 9 MCA; AND PROVIDING AN EFFECTIVE DATE."

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

12 **Section 1.** Section 17-7-502, MCA, is amended to read:

13 "17-7-502. Statutory appropriations -- definition --
 14 requisites for validity. (1) A statutory appropriation is an
 15 appropriation made by permanent law that authorizes spending
 16 by a state agency without the need for a biennial
 17 legislative appropriation or budget amendment.

18 (2) Except as provided in subsection (4), to be
 19 effective, a statutory appropriation must comply with both
 20 of the following provisions:

21 (a) The law containing the statutory authority must be
 22 listed in subsection (3).

23 (b) The law or portion of the law making a statutory
 24 appropriation must specifically state that a statutory
 25 appropriation is made as provided in this section.

1 (3) The following laws are the only laws containing
 2 statutory appropriations: 2-9-202; 2-17-105; 2-18-812;
 3 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111;
 4 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
 5 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
 6 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409;
 7 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007;
 8 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513;
 9 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109;
 10 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811;
 11 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631;
 12 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501;
 13 39-71-2504; section 3; 44-12-206; 44-13-102; 53-6-150;
 14 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507;
 15 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103;
 16 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301;
 17 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

18 (4) There is a statutory appropriation to pay the
 19 principal, interest, premiums, and costs of issuing, paying,
 20 and securing all bonds, notes, or other obligations, as due,
 21 that have been authorized and issued pursuant to the laws of
 22 Montana. Agencies that have entered into agreements
 23 authorized by the laws of Montana to pay the state
 24 treasurer, for deposit in accordance with 17-2-101 through
 25 17-2-107, as determined by the state treasurer, an amount

sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)"

NEW SECTION. Section 2. Supervisory fees. (1) (a)

Except as provided in subsection (1)(b), a probationer or parolee shall pay a supervisory fee of \$25 a month. The fee must be collected by the clerk of the district court with jurisdiction during the probationer's or parolee's period of supervision under this part.

(b) The court or the board may reduce or waive the fee or suspend the monthly payment of the fee if it determines that the payment would cause the probationer or parolee a significant financial hardship.

(2) District court clerks shall deposit the fees collected under subsection (1) into the state special revenue fund.

NEW SECTION. Section 3. Statutory appropriation. All

fees collected and deposited under the provisions of [section 2] are statutorily appropriated, as provided in 17-7-502, to the department and must be used to support equipment purchases and training for probation and parole

officers.

NEW SECTION. Section 4. Codification instruction.

[Sections 2 and 3] are intended to be codified as an integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to [sections 2 and 3].

NEW SECTION. Section 5. Effective date. [This act] is

effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0673, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act requiring that probationers and parolees pay a supervisory fee; statutorily appropriating the money collected from the fee; and providing that the money be used for equipment and training for probation and parole officers.

ASSUMPTIONS:

1. The average monthly probation and parole caseload will be 5,140 for FY94 and 5,450 for FY95.
2. It is estimated that the fee will be waived by the court or the board in 30% of the cases.
3. No collection fees are withheld by the clerk of the district court.

FISCAL IMPACT:

Revenue:


	FY '94			FY '95		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
P&P Supervisory Fee (02)	0	1,079,400	1,079,400	0	1,144,500	1,144,500

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

This legislation may impact county clerk of courts work load and this impact cannot be measured by the state Judicial Branch.

TECHNICAL NOTES:

Section 2(2) must be amended to establish a supervisory fee account in the state special revenue fund for deposit of the fees collected.


DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning


WILLIAM MENAHAN, PRIMARY SPONSOR DATE

Fiscal Note for HB0673, as introduced
HB 673

APPROVED BY COMMITTEE
ON STATE ADMINISTRATION

HOUSE BILL NO. 673

INTRODUCED BY MENAHAN, HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT PROBATIONERS AND PAROLEES PAY A SUPERVISORY FEE; STATUTORILY APPROPRIATING THE MONEY COLLECTED FROM THE FEE; PROVIDING THAT THE MONEY BE USED FOR EQUIPMENT AND TRAINING FOR PROBATION AND PAROLE OFFICERS; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations -- definition -- requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 13-37-304; 15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-409; 17-7-304; 19-5-404; 19-6-709; 19-8-504; 19-9-702; 19-9-1007; 19-10-205; 19-10-305; 19-10-506; 19-11-512; 19-11-513; 19-11-606; 19-12-301; 19-13-604; 19-15-101; 20-4-109; 20-6-406; 20-8-111; 20-9-361; 20-26-1503; 22-3-811; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 27-12-206; 37-43-204; 37-51-501; 39-71-2504; [section 3]; 44-12-206; 44-13-102; 53-6-150; 53-24-206; 61-5-121; 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-11-310; 82-11-136; 82-11-161; 85-1-220; 90-3-301; 90-4-215; 90-6-331; 90-7-220; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount

sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for supplemental benefit; and pursuant to sec. 18, Ch. 748, L. 1991, the inclusion of 22-3-811 terminates June 30, 1993.)"

NEW SECTION. Section 2. Supervisory fees -- ACCOUNT ESTABLISHED. (1) (a) Except as provided in subsection (1)(b), a probationer or parolee shall pay a supervisory fee of \$25 a month. The fee must be collected by the clerk of the district court with jurisdiction during the probationer's or parolee's period of supervision under this part.

(b) The court or the board may reduce or waive the fee or suspend the monthly payment of the fee if it determines that the payment would cause the probationer or parolee a significant financial hardship.

(2) (A) THERE IS AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND FOR THE FEES COLLECTED UNDER THE PROVISIONS OF THIS SECTION.

(B) District court clerks shall DEDUCT FROM THE TOTAL FEES COLLECTED PURSUANT TO SUBSECTION (1) THE ADMINISTRATIVE COST OF COLLECTING AND ACCOUNTING FOR THE FEES AND SHALL deposit the fees--collected-under-subsection-(1) REMAINING

AMOUNT into the state special revenue fund ACCOUNT ESTABLISHED IN SUBSECTION (2)(A).

NEW SECTION. Section 3. Statutory appropriation. All fees collected and deposited under the provisions of [section 2] are statutorily appropriated, as provided in 17-7-502, to the department and must be used to support equipment purchases and training for probation and parole officers.

NEW SECTION. Section 4. Codification instruction. [Sections 2 and 3] are intended to be codified as an integral part of Title 46, chapter 23, part 10, and the provisions of Title 46, chapter 23, part 10, apply to [sections 2 and 3].

NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1993.

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NEW SECTION. Section 5. Effective date. [This act] is effective July 1, 1993.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
April 14, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 673 (third reading copy -- blue), respectfully report that House Bill No. 673 be amended as follows and as so amended be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Title, line 5.
Strike: "STATUTORILY"

2. Title, lines 8 and 9.
Strike: "AMENDING" on line 8 through "MCA;" on line 9

3. Page 1, line 12 through page 3, line 7.
Strike: line 12 on page 1 through line 7 on page 3 in their entirety
Renumber: subsequent sections

4. Page 3, line 11.
Strike: "\$25 a month"
Insert: "\$120 a year, prorated at \$10 a month for the number of months under supervision"

5. Page 4, line 3.
Strike: "Statutory appropriation"
Insert: "Appropriation"

6. Page 4, line 5.
Following: "[section 2]"
Insert: ", to a maximum of \$444,000 for each year of the 1994-95 biennium,"
Strike: "statutorily"
Strike: ", as" on line 5 through "17-7-502," on line 6

7. Page 4, lines 10 and 13.
Strike: "2 and 3"
Insert: "1 and 2"

-END-

HB 673

SENATE

AM Amd. Coord.
Sec. of Senate

Lynch
Senator Carrying Bill

821114SC.San

HOUSE BILL NO. 673

INTRODUCED BY MENAHAN, HARRINGTON

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT PROBATIONERS AND PAROLEES PAY A SUPERVISORY FEE; STATUTORILY APPROPRIATING THE MONEY COLLECTED FROM THE FEE; PROVIDING THAT THE MONEY BE USED FOR EQUIPMENT AND TRAINING FOR PROBATION AND PAROLE OFFICERS; AMENDING--SECTION--17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE."

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appropriation-made-by-permanent-law-that-authorizes-spending
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legislative-appropriation-or-budget-amendment.

(2)--Except--as--provided--in--subsection--(4),--to--be
effective, a statutory appropriation must comply with both
of the following provisions:

(a)--The--law-containing-the-statutory-authority-must-be
listed-in-subsection-(3).

(b)--The-law-or-portion-of-the-law-making-a-statutory
appropriation--must--specifically--state--that--a--statutory
appropriation-is-made-as-provided-in-this-section.

(3)--The--following--laws--are--the-only-laws-containing
statutory--appropriations:--2-9-202;--2-17-105;--2-18-012;
10-3-203;--10-3-312;--10-3-314;--10-4-301;--13-37-304;--15-1-111;
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(4)--There-is-a-statutory-appropriation-to-pay-the
principal-interest-premiums-and-costs-of-issuing-paying
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17-2-107--as-determined-by-the-state-treasury--an-amount

sufficient--to--pay-the-principal-and-interest-as-due-on-the
 bonds-or-notes-have-statutory--appropriation--authority--for
 the--payments--(in--subsection--(3))--pursuant-to-sec--77-Ch-
 5677-b-19917-the--inclusion--of--19-6-789--terminates--upon
 death--of--last-recipient-eligible-for-supplemental-benefit;
 and-pursuant-to-sec--187-Ch-7487-b-19917-the-inclusion--of
 22-3-811-terminates-June-307-19937)*

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ESTABLISHED. (1) (a) Except as provided in subsection
 (1)(b), a probationer or parolee shall pay a supervisory fee
 of \$25-a-month \$120 A YEAR, PRORATED AT \$10 A MONTH FOR THE
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(b) The court or the board may reduce or waive the fee
 or suspend the monthly payment of the fee if it determines
 that the payment would cause the probationer or parolee a
 significant financial hardship.

(2) (A) THERE IS AN ACCOUNT IN THE STATE SPECIAL
REVENUE FUND FOR THE FEES COLLECTED UNDER THE PROVISIONS OF
THIS SECTION.

(B) District court clerks shall DEDUCT FROM THE TOTAL
FEES COLLECTED PURSUANT TO SUBSECTION (1) THE ADMINISTRATIVE
COST OF COLLECTING AND ACCOUNTING FOR THE FEES AND SHALL

deposit the fees--collected-under-subsection--(1) REMAINING
AMOUNT into the state special revenue fund ACCOUNT
ESTABLISHED IN SUBSECTION (2)(A).

NEW SECTION. Section 2. Statutory-----appropriation
APPROPRIATION. All fees collected and deposited under the
 provisions of [section 2], TO A MAXIMUM OF \$444,000 FOR EACH
YEAR OF THE 1994-95 BIENNIUM, are statutorily appropriated,
 as--provided-in-17-7-5827, to the department and must be used
 to support equipment purchases and training for probation
 and parole officers.

NEW SECTION. Section 3. Codification instruction.
 [Sections 2-and-3 1 AND 2] are intended to be codified as an
 integral part of Title 46, chapter 23, part 10, and the
 provisions of Title 46, chapter 23, part 10, apply to
 [sections 2-and-3 1 AND 2].

NEW SECTION. Section 4. Effective date. [This act] is
 effective July 1, 1993.

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