

House BILL NO. 176

INTRODUCED BY Lindenberg R. Wagner (Lab. m. Faber)

BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

Montana 3-1, Harding

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALL COURTS OF ORIGINAL JURISDICTION TO
6 IMPOSE A USER SURCHARGE IN CRIMINAL, CIVIL, AND PROBATE CASES; PROVIDING THAT THE
7 SURCHARGE BE USED FOR STATE FUNDING OF COURT INFORMATION TECHNOLOGY; PROVIDING A
8 STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA; AND PROVIDING AN EFFECTIVE
9 DATE."

10

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

12

NEW SECTION. Section 1. User surcharge for court information technology -- exception. (1)

14 Except as provided in subsection (2), all courts of original jurisdiction shall impose:

15 (a) on a defendant in criminal cases, a \$5 user surcharge upon conviction for any conduct made
16 criminal by state statute or upon forfeiture of bond or bail;

17 (b) on the initiating party in civil and probate cases, a \$5 user surcharge at the commencement of
18 each action, proceeding, or filing; and

19 (c) on each defendant or respondent in civil cases, a \$5 user surcharge upon appearance.

20 (2) If a court determines that a defendant in a criminal case or a party in a civil case is unable to
21 pay the surcharge, the court may waive payment of the surcharge imposed by this section.

22 (3) The surcharge imposed by this section is not a fee or fine and must be imposed in addition to
23 other taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of
24 any court.

25 (4) The amounts collected under this section must be forwarded to the state treasurer and
26 deposited in the account established in [section 2] for state funding of court information technology.

27

NEW SECTION. Section 2. Account established for court information technology -- statutory

29 **appropriation.** (1) There is an account in the state special revenue fund for state funding of court
30 information technology.



5 **Section 3.** Section 17-7-502, MCA, is amended to read:

6 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
7 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
8 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:

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

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

14 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
15 2-18-812; 3-5-901; section 2; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111;
16 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
17 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201;
18 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512;
19 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403;
20 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;
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22 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107;
23 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;
24 80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215;
25 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

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



1 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to sec.
2 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
3 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
4 July 1, 1995.)"

5

6 **NEW SECTION. Section 4. Codification instruction.** (1) [Section 1] is intended to be codified as
7 an integral part of Title 3, and the provisions of Title 3 apply to [section 1].

8 (2) [Section 2] is intended to be codified as an integral part of Title 3, chapter 5, part 9, and the
9 provisions of Title 3, chapter 5, part 9, apply to [section 2].

10

11 **NEW SECTION. Section 5. Effective date.** [This act] is effective July 1, 1995.

12

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0176, as introducedDESCRIPTION OF PROPOSED LEGISLATION:

An act requiring all courts of original jurisdiction to impose a user surcharge in criminal, civil, and probate cases, and providing that the surcharge be used for state funding of court information technology.

ASSUMPTIONS:

1. The volume of case filings, convictions, forfeitures, and appearances used to estimate revenue is based upon incomplete 1994 data.
2. It is estimated that the surcharge will be waived approximately 25% of the time.
3. There will be 10.00 FTE needed to install and maintain an information technology system in the 182 courts in Montana, at a cost of \$338,800 each year of the biennium. Operating costs for the 10.00 FTE will be \$175,000 each year.
4. Equipment costs of \$469,600 each year will be used to place necessary computer hardware and software in each court in the state.
5. A new state special revenue account will be established to accept the new revenue and record the program expenditures.

FISCAL IMPACT:

Judiciary:

Expenditures:

	<u>FY96</u>	<u>FY97</u>
	<u>Difference</u>	<u>Difference</u>
FTE	10.00	10.00
Personal services	338,800	338,800
Operating expenses	175,000	175,000
Equipment	<u>469,600</u>	<u>469,600</u>
Total	983,400	983,400

Funding:

Court Info. Tech. (02)	983,400	983,400
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Revenues:

Court user surcharge (02)	983,400	983,400
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(Continued)

Dave Lewis 1-20-95
 DAVE LEWIS, BUDGET DIRECTOR DATE
 Office of Budget and Program Planning

Toni Hagner
 TONI HAGENER, PRIMARY SPONSOR DATE

Fiscal Note for HB0176, as introduced

HB 176

DEDICATION OF REVENUE:

a) Are there persons or entities that benefit from this dedicated revenue that do not pay? (Please explain)

No. Court information technology is paid for by those who use Montana's courts.

b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?

The surcharge, or user fee, is paid by those who use the court system. The financial support for continuing automation of the courts is derived directly from those who use the system. Information technology requires long range planning, and a special revenue fund provides a predictable, stable funding source.

c) Is the source of revenue relevant to current use of the funds and adequate to fund the program/activity that is intended? XX Yes No (if no, explain)

d) Does the need for this state special revenue provision still exist? XX Yes
 No (Explain)

Statewide automation is currently incomplete.

e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please explain)

No. Expenditures cannot exceed the revenue generated by the surcharge, but does provide a stable predictable funding source for long and short term information technology planning for the judiciary.

f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please explain)

Yes. Since 1986, the legislature has appropriated short-term funding which has not been sufficient to complete statewide automation or provide for permanent planning and implementation. Permanent, stable funding will allow the Montana Judiciary to automate the court system, thereby enabling courts to operate more effectively and fulfill constitutional and statutory mandates.

g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)

Provides accounting efficiency as expenditures may not exceed revenue.

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALL COURTS OF ORIGINAL JURISDICTION TO
6 IMPOSE A USER SURCHARGE IN CRIMINAL, CIVIL, AND PROBATE CASES; PROVIDING THAT THE
7 SURCHARGE MUST BE DEPOSITED IN THE STATE GENERAL FUND AND IS INTENDED TO BE USED FOR
8 STATE FUNDING OF COURT INFORMATION TECHNOLOGY; PROVIDING A STATUTORY APPROPRIATION;
9 AMENDING SECTION 17-7-502, MCA; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION
10 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

14 NEW SECTION. Section 1. User surcharge for court information technology -- exception. (1)

15 Except as provided in subsection (2), all courts of original jurisdiction shall impose;

16 (a) on a defendant in criminal cases, a \$5 user surcharge upon conviction for any conduct made
17 criminal by state statute or upon forfeiture of bond or bail;

18 (b) on the initiating party in civil and probate cases, a \$5 user surcharge at the commencement of
19 each action, proceeding, or filing; and

20 (c) on each defendant or respondent in civil cases, a \$5 user surcharge upon appearance.

21 (2) If a court determines that a defendant in a criminal case or DETERMINES PURSUANT TO
22 25-10-404 THAT a party in a civil case is unable to pay the surcharge, the court may waive payment of
23 the surcharge imposed by this section.

24 (3) The surcharge imposed by this section is not a fee or fine and must be imposed in addition to
25 other taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of
26 any court.

27 (4) The amounts collected under this section must be forwarded to the state treasurer and
28 deposited in the ~~account established in [section 2]~~ STATE GENERAL FUND AND IS INTENDED TO BE
29 APPROPRIATED AND USED ACCOUNT ESTABLISHED IN [SECTION 2] for state funding of court
30 information technology.

1 **NEW SECTION. SECTION 2. ACCOUNT ESTABLISHED FOR COURT INFORMATION TECHNOLOGY**

2 **-- STATUTORY APPROPRIATION.** (1) THERE IS AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND
3 **FOR STATE FUNDING OF COURT INFORMATION TECHNOLOGY.**

4 **(2) MONEY COLLECTED PURSUANT TO [SECTION 1] MUST BE DEPOSITED IN THIS ACCOUNT.**

5 **(3) MONEY IN THIS ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17-7-502,**
6 **TO THE SUPREME COURT TO BE USED FOR STATE FUNDING OF COURT INFORMATION TECHNOLOGY.**

7

8 **SECTION 3. SECTION 17-7-502, MCA, IS AMENDED TO READ:**

9 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory
10 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
11 without the need for a biennial legislative appropriation or budget amendment.

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

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

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

17 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
18 2-18-812; 3-5-901; **[section 2]**; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111;
19 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
20 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201;
21 17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512;
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23 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;
24 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321;
25 39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107;
26 67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;
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28 90-6-331; 90-7-220; 90-9-306; and 90-14-107.

29 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
30 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued

1 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
2 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
3 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
4 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to
5 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
6 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
7 July 1, 1995.)"

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9 ~~NEW SECTION. Section 2. Account established for court information technology — statutory~~
10 ~~appropriation.~~ (1) There is an account in the state special revenue fund for state funding of court
11 information technology.

12 ~~(2) Money collected pursuant to [section 1] must be deposited in this account.~~

13 ~~(3) Money in this account is statutorily appropriated, as provided in 17-7-502, to the supreme court~~
14 ~~to be used for state funding of court information technology.~~

15

16 ~~Section 3. Section 17-7-502, MCA, is amended to read:~~

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

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21 ~~with both of the following provisions:~~

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6 ~~67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;~~
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10 ~~paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued~~
11 ~~pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of~~
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15 ~~7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for~~
16 ~~supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates~~
17 ~~July 1, 1995.)"~~

18

19 **NEW SECTION. Section 4. Codification instruction.** ~~(1) [Section 1] is intended to be codified~~
20 ~~as an integral part of Title 3, and the provisions of Title 3 apply to [section 1].~~

21 ~~(2) [Section 2] is intended to be codified as an integral part of Title 3, chapter 5, part 9, and the~~
22 ~~provisions of Title 3, chapter 5, part 9, apply to [section 2].~~

23 **(2) [SECTION 2] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 3, CHAPTER**
24 **5, PART 9, AND THE PROVISIONS OF TITLE 3, CHAPTER 5, PART 9, APPLY TO [SECTION 2].**

25

26 **NEW SECTION. Section 5. Effective date -- TERMINATION DATE.** ~~(1) [This act] is effective July~~
27 ~~1, 1995.~~

28 **(2) [THIS ACT] TERMINATES JUNE 30, 1999.**

29

-END-

HOUSE BILL NO. 176

INTRODUCED BY HAGENER, COBB, FISHER, CHRISTIAENS, HARDING, QUILICI, GRADY, BECK
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29 **APPROPRIATED AND USED ACCOUNT ESTABLISHED IN [SECTION 2]** for state funding of court
30 information technology.



1 **NEW SECTION. SECTION 2. ACCOUNT ESTABLISHED FOR COURT INFORMATION TECHNOLOGY**

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23 20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;
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30 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued

1 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
2 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
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12 ~~(2) Money collected pursuant to [section 1] must be deposited in this account.~~

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14 ~~to be used for state funding of court information technology.~~

15

16 ~~Section 3. Section 17-7-502, MGA, is amended to read:~~

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

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

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

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

25 ~~(3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;~~
26 ~~2-18-812; 3-5-901; [section 2]; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111;~~
27 ~~15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;~~
28 ~~16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201;~~
29 ~~17-6-409; 17-7-304; 18-11-112; 19-2-502; 19-6-700; 19-8-1007; 19-16-101; 19-17-301; 19-18-512;~~
30 ~~19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-108; 20-8-111; 20-9-361; 20-26-1403;~~

1 ~~17 6 408; 17 7 304; 18 11 112; 18 2 502; 19 6 709; 19 9 1007; 19 15 101; 19 17 301; 19 18 512;~~
2 ~~19 18 513; 19 18 606; 19 19 205; 19 19 305; 19 19 506; 20 4 109; 20 8 111; 20 9 361; 20 26 1403;~~
3 ~~20 26 1503; 23 2 823; 23 5 136; 23 5 306; 23 5 408; 23 5 610; 23 5 612; 23 5 631; 23 7 301;~~
4 ~~23 7 402; 27 12 206; 32 1 537; 37 43 204; 37 51 501; 39 71 503; 39 71 907; 39 71 2321;~~
5 ~~39 71 2504; 44 12 206; 44 13 102; 50 5 232; 50 40 206; 53 6 150; 53 24 206; 60 2 220; 61 2 107;~~
6 ~~67 3 205; 75 1 1101; 75 5 507; 75 5 1108; 76 11 313; 76 12 123; 77 1 808; 80 2 103; 80 2 222;~~
7 ~~80 4 416; 80 11 310; 81 5 111; 82 11 136; 82 11 161; 85 1 220; 85 20 402; 90 3 301; 90 4 215;~~
8 ~~90 6 331; 90 7 220; 90 9 306; and 90 14 107.~~

9 ~~(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,~~
10 ~~paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued~~
11 ~~pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of~~
12 ~~Montana to pay the state treasurer, for deposit in accordance with 17 2 101 through 17 2 107, as~~
13 ~~determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the~~
14 ~~bonds or notes have statutory appropriation authority for the payments. (In subsection (3), pursuant to sec.~~
15 ~~7, Ch. 567, L. 1991, the inclusion of 19 6 709 terminates upon death of last recipient eligible for~~
16 ~~supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90 14 107 terminates~~
17 ~~July 1, 1995.)"~~

18

19 **NEW SECTION. Section 4. Codification instruction.** ~~(1) [Section 1]~~ is intended to be codified
20 as an integral part of Title 3, and the provisions of Title 3 apply to ~~[section 1]~~.

21 ~~(2) [Section 2] is intended to be codified as an integral part of Title 3, chapter 5, part 9, and the~~
22 ~~provisions of Title 3, chapter 5, part 9, apply to [section 2].~~

23 **(2) [SECTION 2] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 3, CHAPTER**
24 **5, PART 9, AND THE PROVISIONS OF TITLE 3, CHAPTER 5, PART 9, APPLY TO [SECTION 2].**

25

26 **NEW SECTION. Section 5. Effective date -- TERMINATION DATE.** ~~(1) [This act]~~ is effective July
27 1, 1995.

28 **(2) [THIS ACT] TERMINATES JUNE 30, 1999.**

29

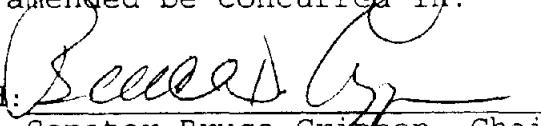
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SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 6, 1995

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration HB 176 (third reading copy -- blue), respectfully report that HB 176 be amended as follows and as so amended be concurred in.

Signed: 
Senator Bruce Cribben, Chair

That such amendments read:

1. Title, lines 9 and 10.

Following: "MCA," on line 9

Strike: remainder of line 9 through "MCA;" on line 10

2. Page 2, line 2.

Strike: "-- STATUTORY APPROPRIATION"

3. Page 2, lines 5 and 6.

Strike: subsection (3) in its entirety

4. Page 2, line 8 through page 3, line 7.

Strike: section 3 in its entirety

Renumber: subsequent sections

-END-

HB 176

QJ
in

Amd. Coord.
Sec. of Senate

Senator Harding
Senator Carrying Bill

SENATE

521514SC.SRF

1

HOUSE BILL NO. 176

2

INTRODUCED BY HAGENER, COBB, FISHER, CHRISTIAENS, HARDING, QUILICI, GRADY, BECK

3

BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

4

5 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING ALL COURTS OF ORIGINAL JURISDICTION TO
6 IMPOSE A USER SURCHARGE IN CRIMINAL, CIVIL, AND PROBATE CASES; PROVIDING THAT THE
7 SURCHARGE MUST BE DEPOSITED IN THE STATE GENERAL FUND AND IS INTENDED TO BE USED FOR
8 STATE FUNDING OF COURT INFORMATION TECHNOLOGY; PROVIDING A STATUTORY APPROPRIATION;
9 AMENDING SECTION 17-7-502, MCA; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION
10 17-7-502, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

11

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

13

14 NEW SECTION. Section 1. User surcharge for court information technology -- exception. (1)

15 Except as provided in subsection (2), all courts of original jurisdiction shall impose:

16 (a) on a defendant in criminal cases, a \$5 user surcharge upon conviction for any conduct made
17 criminal by state statute or upon forfeiture of bond or bail;

18 (b) on the initiating party in civil and probate cases, a \$5 user surcharge at the commencement of
19 each action, proceeding, or filing; and

20 (c) on each defendant or respondent in civil cases, a \$5 user surcharge upon appearance.

21 (2) If a court determines that a defendant in a criminal case or DETERMINES PURSUANT TO
22 25-10-404 THAT a party in a civil case is unable to pay the surcharge, the court may waive payment of
23 the surcharge imposed by this section.

24 (3) The surcharge imposed by this section is not a fee or fine and must be imposed in addition to
25 other taxable court costs, fees, or fines. The surcharge may not be used in determining the jurisdiction of
26 any court.

27 (4) The amounts collected under this section must be forwarded to the state treasurer and
28 deposited in the account established in [section 2] STATE GENERAL FUND AND IS INTENDED TO BE
29 APPROPRIATED AND USED ACCOUNT ESTABLISHED IN [SECTION 2] for state funding of court
30 information technology.

1 NEW SECTION. SECTION 2. ACCOUNT ESTABLISHED FOR COURT INFORMATION TECHNOLOGY
2 STATUTORY APPROPRIATION. (1) THERE IS AN ACCOUNT IN THE STATE SPECIAL REVENUE FUND
3 FOR STATE FUNDING OF COURT INFORMATION TECHNOLOGY.

4 (2) MONEY COLLECTED PURSUANT TO [SECTION 1] MUST BE DEPOSITED IN THIS ACCOUNT.
5 (3) MONEY IN THIS ACCOUNT IS STATUTORILY APPROPRIATED, AS PROVIDED IN 17 7 502,
6 TO THE SUPREME COURT TO BE USED FOR STATE FUNDING OF COURT INFORMATION TECHNOLOGY.

7

8 SECTION 3. SECTION 17 7 502, MCA, IS AMENDED TO READ:

9 ~~"17 7 502. Statutory appropriations—definition—requisites for validity.~~ (1) A statutory
10 appropriation is an appropriation made by permanent law that authorizes spending by a state agency
11 without the need for a biennial legislative appropriation or budget amendment.

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

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

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

17 (3) The following laws are the only laws containing statutory appropriations: 2 9 202; 2 17 105;

18 2 18 812; 3 5 901; [section 2]; 5 13 403; 10 3 203; 10 3 312; 10 3 314; 10 4 301; 15 1 111;
19 15 23 706; 15 25 123; 15 31 702; 15 36 112; 15 37 117; 15 38 202; 15 65 121; 15 70 101; 16 1 404;
20 16 1 410; 16 1 411; 17 3 106; 17 3 212; 17 5 404; 17 5 424; 17 5 704; 17 5 804; 17 6 101; 17 6 201;
21 17 6 409; 17 7 304; 18 11 112; 19 2 502; 19 6 709; 19 9 1007; 19 15 101; 19 17 301; 19 18 512;
22 19 18 513; 19 18 606; 19 19 205; 19 19 305; 19 19 506; 20 4 109; 20 8 111; 20 9 361; 20 26 1403;
23 20 26 1503; 23 2 823; 23 5 136; 23 5 306; 23 5 409; 23 5 610; 23 5 612; 23 5 631; 23 7 301;
24 23 7 402; 27 12 206; 32 1 537; 37 43 204; 37 51 501; 39 71 503; 39 71 907; 39 71 2321;
25 39 71 2504; 44 12 206; 44 13 102; 50 5 232; 50 40 206; 53 6 150; 53 24 206; 60 2 220; 61 2 107;
26 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 2 222;
27 80 4 416; 80 11 310; 81 5 111; 82 11 136; 82 11 161; 85 1 220; 85 20 402; 90 3 301; 90 4 215;
28 90 6 331; 90 7 220; 90 9 306; and 90 14 107.

29 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,
30 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued

1 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of
2 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as
3 determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the
4 bonds or notes have statutory appropriation authority for the payments. (In subsection (3), pursuant to
5 sec. 7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon death of last recipient eligible for
6 supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates
7 July 1, 1995.)"

8

9 NEW SECTION. Section 2. Account established for court information technology—statutory
10 appropriation. (1) There is an account in the state special revenue fund for state funding of court
11 information technology.

12 (2) Money collected pursuant to [section 1] must be deposited in this account.

13 (3) Money in this account is statutorily appropriated, as provided in 17-7-502, to the supreme court
14 to be used for state funding of court information technology.

15

16 Section 3. Section 17-7-502, MCA, is amended to read:

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

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

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

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

25 (3) The following laws are the only laws containing statutory appropriations: 2-9-202; 2-17-105;
26 2-18-812; 3-5-801; [section 2]; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301; 15-1-111;
27 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 16-1-404;
28 16-1-410; 16-1-411; 17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804; 17-6-101; 17-6-201;
29 17-6-409; 17-7-304; 18-11-112; 18-2-502; 19-6-709; 19-8-1007; 19-15-101; 19-17-301; 19-18-512;
30 19-18-513; 19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111; 20-9-361; 20-26-1403;

1 ~~20-26-1503; 23-2-823; 23-5-136; 23-5-306; 23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301;~~
2 ~~23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-807; 39-71-2321;~~
3 ~~39-71-2504; 44-12-206; 44-13-102; 50-5-232; 50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107;~~
4 ~~67-3-205; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808; 80-2-103; 80-2-222;~~
5 ~~80-4-416; 80-11-310; 81-5-111; 82-11-136; 82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215;~~
6 ~~90-6-331; 90-7-220; 90-9-306; and 90-14-107.~~

7 ~~(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,~~
8 ~~paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued~~
9 ~~pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of~~
10 ~~Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as~~
11 ~~determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the~~
12 ~~bonds or notes have statutory appropriation authority for the payments. (In subsection (3), pursuant to sec.~~
13 ~~7, Ch. 567, L. 1991, the inclusion of 19-6-708 terminates upon death of last recipient eligible for~~
14 ~~supplemental benefit; and pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107 terminates~~
15 ~~July 1, 1995.)"~~

16

17 **NEW SECTION. Section 3. Codification instruction.** ~~(1) [Section 1]~~ is intended to be codified
18 as an integral part of Title 3, and the provisions of Title 3 apply to [section 1].

19 ~~(2) [Section 2] is intended to be codified as an integral part of Title 3, chapter 5, part 9, and the~~
20 ~~provisions of Title 3, chapter 5, part 9, apply to [section 2].~~

21 **(2) [SECTION 2] IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF TITLE 3, CHAPTER**
22 **5, PART 9, AND THE PROVISIONS OF TITLE 3, CHAPTER 5, PART 9, APPLY TO [SECTION 2].**

23

24 **NEW SECTION. Section 4. Effective date -- TERMINATION DATE.** ~~(1) [This act]~~ is effective July
25 1, 1995.

26 **(2) [THIS ACT] TERMINATES JUNE 30, 1999.**

27

-END-