

House BILL NO. 176

INTRODUCED BY Anthony R. Hagman, Clerk M. Feb  
Shelby  
 BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

Montana Judiciary, Harding

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

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

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

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

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

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

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

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

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

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

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

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

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

4

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.

9 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply  
10 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;  
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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;  
21 23-7-402; 27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907; 39-71-2321;  
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 introduced

DESCRIPTION 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 Hagener  
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?  Yes  No (if no, explain)

- d) Does the need for this state special revenue provision still exist?  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.

**REREFERRED AND APPROVED BY COM  
ON TAXATION**

HOUSE BILL NO. 176

INTRODUCED BY HAGENER, COBB, FISHER, CHRISTIAENS, HARDING, QUILICI, GRADY, BECK  
BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

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

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

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

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

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

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

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

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

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20 ~~(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply~~  
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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~~  
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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. ~~(4)~~ (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           (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
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1 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of  
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 4 bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to  
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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.~~

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; 15-26-123; 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; 19-6-709; 19-9-1007; 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; 20-4-109; 20-8-111; 20-9-361; 20-26-1403;~~

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 3 ~~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;~~  
 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 ~~67-3-206; 75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 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)~~ (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.**

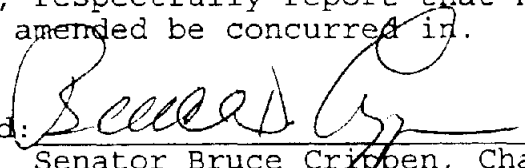
29 -END-

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 Crippen, 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

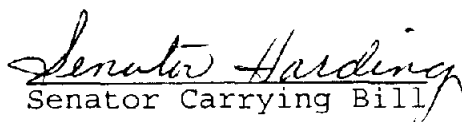
-END-

HB 176

SENATE

521514SC.SRF

  
Amd. Coord.  
Sec. of Senate

  
Senator Carrying Bill

## 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;  
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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  
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 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-