

HOUSE BILL NO. 819

INTRODUCED BY J. TAYLOR, SINRUD

A BILL FOR AN ACT ENTITLED: "AN ACT APPROPRIATING MONEY TO THE JUDICIAL BRANCH; ~~REVISING LAWS TO ALLOW FOR THE APPROPRIATIONS AND TO IMPLEMENT THE STATUTORY PROVISIONS GOVERNING APPROPRIATIONS FOR THE OPERATION OF THE JUDICIAL BRANCH; AMENDING SECTIONS 15-1-122, 17-1-507, 17-7-123, 17-7-131, 17-7-138, 17-7-139, 17-7-140, 17-7-301, 17-7-304, AND 90-4-614, MCA; AND PROVIDING AN EFFECTIVE DATES DATE.~~"

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

(Refer to Third Reading Bill)

Strike everything after the enacting clause and insert:

NEW SECTION. **Section 1. First level expenditures.** The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2009 biennium, are adopted as legislative intent.

NEW SECTION. **Section 2. Severability.** If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

NEW SECTION. **Section 3. Appropriation control.** An appropriation item designated "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2011 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide accounting, budgeting, and human resource system for any item designated "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide accounting, budgeting, and human resource system for any appropriation that appears as a separate line item in [this act].

NEW SECTION. **Section 4. Program definition.** As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide accounting, budgeting, and human resource system, and is identified as a major subdivision of an agency ordinally numbered with an Arabic numeral.

1 NEW SECTION. **Section 5. Personal services funding -- 2011 biennium.** Present law and new proposal funding budget requests for the 2011 biennium submitted under Title
2 17, chapter 7, part 1, by each judicial branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services
3 by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2011 biennium submitted by October 30 to the
4 legislative fiscal analyst by the office of budget and program planning.

5
6 NEW SECTION. **Section 6. Totals not appropriations.** The totals shown in [this act] are for informational purposes only and are not appropriations.

7
8 NEW SECTION. **Section 7. Effective date.** [This act] is effective July 1, 2007.

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10 NEW SECTION. **Section 8. Appropriations.** The following money is appropriated for the respective fiscal years:

<u>Fiscal 2008</u>						<u>Fiscal 2009</u>						
<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	
JUDICIAL BRANCH												
1												
2	JUDICIARY (2110)											
3	1. Supreme Court Operations (01)											
4	7,792,574	110,042	125,380	0	0	8,027,996	7,902,444	110,042	125,879	0	0	8,138,365
5	a. Legislative Audit (Restricted/Biennial)											
6	44,288	0	0	0	0	44,288	0	0	0	0	0	0
7	b. Drug Treatment Courts (Restricted/Biennial)											
8	2,000,000	0	0	0	0	2,000,000	0	0	0	0	0	0
9	c. Report on Progress Toward Measurable Goals and Objectives (Restricted/Biennial/OTO)											
10	5,000	0	0	0	0	5,000	0	0	0	0	0	0
11	d. Self-Help Law Program (Restricted/Biennial/OTO)											
12	252,500	0	0	0	0	252,500	252,500	0	0	0	0	252,500
13	2. Boards and Commissions (02)											
14	254,673	25,006	0	0	0	279,679	255,080	25,006	0	0	0	280,086
15	a. Judicial Standards (Restricted/Biennial)											
16	25,000	0	0	0	0	25,000	0	0	0	0	0	0
17	3. Law Library (03)											
18	846,721	0	0	0	0	846,721	870,328	0	0	0	0	870,328
19	4. District Court Operations (04)											
20	22,994,883	253,447	0	0	0	23,248,330	23,052,167	253,447	0	0	0	23,305,614
21	a. District Court Safety and Security (OTO)											
22	300,000	0	0	0	0	300,000	0	0	0	0	0	0
23	5. Water Courts Supervision (05)											
24	0	1,383,541	0	0	0	1,383,541	0	1,386,782	0	0	0	1,386,782
25	6. Clerk of Court (06)											
26	417,922	0	0	0	0	417,922	419,705	0	0	0	0	419,705
27												

	<u>Fiscal 2008</u>					<u>Fiscal 2009</u>						
	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>	<u>General Fund</u>	<u>State Special Revenue</u>	<u>Federal Special Revenue</u>	<u>Proprietary</u>	<u>Other</u>	<u>Total</u>
1	Total											
2	34,933,561	1,772,036	125,380	0	0	36,830,977	32,752,224	1,775,277	125,879	0	0	34,653,380

3 Funds in Drug Treatment Courts may be used only to provide grants to drug treatment courts and for up to one full-time administrator, ongoing review of the operations of drug
 4 treatment courts, and the development of policies necessary to administer the provision of grants to drug treatment courts. Funding includes \$200 for the preparation of reports to the legislative
 5 finance committee and the law and justice interim committee on the program's measurable goals and objectives and achievement of those goals and objectives. If reports are not received
 6 by the legislative finance committee by December 31, 2007, and June 30, 2008, the appropriation is reduced by \$200.

7 Report on Progress Toward Measurable Goals and Objectives is funding for a semiannual report to the legislative finance committee, the law and justice interim committee, and
 8 members of the joint appropriations subcommittee on general government and transportation of the following:

- 9 (1) progress toward the goals presented to the 2007 legislature in the agency's template; and
- 10 (2) attainment of measurable objectives as outlined in the agency's template presented to the 2007 legislature.

11 If the reports are not received by the legislative finance committee by December 31, 2007, and June 30, 2008, Report on Progress Toward Measurable Goals and Objectives is void.

12 Funds in Self-Help Law Program may be used only to provide and support the development, maintenance, and availability of self-help legal forms and instructions regarding civil
 13 legal proceedings in Montana's courts; the development of curriculum and materials suitable for classes and clinics about civil legal proceedings and forms; the development, updating, and
 14 provision of information and training materials for judges, clerks of court, other court officers, judicial branch employees, and volunteers about self-help legal resources and how to assist self-
 15 represented litigants in a manner that is impartial, facilitates effective and efficient court operations, and does not constitute providing direct legal representation; the establishment and
 16 maintenance of multimedia materials that provide information about Montana's civil laws, courts, rules, legal forms, and available legal resources; coordination, recruitment, and training of
 17 volunteer attorneys to provide legal advice and direct legal representation to persons with civil legal needs who are unable to pay for those services; and coordination and cooperation with
 18 other access to justice efforts.

19 -END-