

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS FOR DISPOSITION OF FUNDS FROM
5 LAWSUITS BROUGHT REGARDING UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION;
6 REQUIRING CERTAIN TRANSFERS TO THE GENERAL FUND; SETTING A DATE FOR TRANSFERS; AND
7 AMENDING SECTIONS 30-14-143 AND 30-14-226, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10
11 **Section 1.** Section 30-14-143, MCA, is amended to read:

12 **"30-14-143. Disposition of civil fines, settlement proceeds, amounts awarded in judgments,**
13 **costs, and fees.** (1) (a) Except as provided in subsection ~~(1)(b)~~ (1)(c), all civil fines, settlement proceeds not
14 otherwise designated for a specific use pursuant to court order, amounts awarded in judgments, costs, and fees
15 received or recovered by the department pursuant to this part must be deposited into a state special revenue
16 account to the credit of the department and must be used to defray the expenses of the department in
17 discharging its administrative and regulatory powers and duties in relation to this part.

18 (b) At the end of each biennium, the balance in the state special revenue account may not exceed
19 three times the amount of the budget appropriated to the department to discharge its powers and duties under
20 this part for that biennium. Funds that are otherwise obligated to implement the provisions of the settlement
21 agreement are not considered part of the balance of the state special revenue account. Any excess civil fines,
22 settlement proceeds not otherwise designated for a specific use pursuant to court order, amounts awarded in
23 judgment, costs, or fees must be transferred to the general fund no later than the first business day in January
24 of the subsequent biennium.

25 ~~(b)(c)~~ All civil fines received or recovered by the department pursuant to 30-14-144 must be deposited
26 in the general fund.

27 (2) All civil fines, settlement proceeds, amounts awarded in judgments, costs, and fees received or
28 recovered by a county attorney pursuant to this part must be paid to the general fund of the county in which the

1 action was commenced."

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3 **Section 2.** Section 30-14-226, MCA, is amended to read:

4 **"30-14-226. Disposition of civil fines, settlement proceeds, amounts awarded in judgments,**
5 **costs, and fees.** (1) All civil fines, settlement proceeds not otherwise designated for a specific use pursuant to
6 court order, amounts awarded in judgments, costs, and fees received or recovered by the department pursuant
7 to this part must be deposited into a state special revenue account to the credit of the department and must be
8 used to defray the expenses of the department in discharging its administrative and regulatory powers and
9 duties in relation to this part.

10 (2) At the end of each biennium, the balance in the state special revenue account may not exceed
11 three times the amount of the budget appropriated to the department to discharge its powers and duties under
12 this part for that biennium. Funds that are otherwise obligated to implement the provisions of the settlement
13 agreement are not considered part of the balance of the state special revenue account. Any excess civil fines,
14 settlement proceeds not otherwise designated for a specific use pursuant to court order, amounts awarded in
15 judgment, costs, or fees must be transferred to the general fund no later than the first business day in January
16 of the subsequent biennium."

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- END -