

SENATE BILL NO. 128
INTRODUCED BY D. MAHLUM

A BILL FOR AN ACT ENTITLED: "AN ACT AUTHORIZING THE DEPARTMENT OF JUSTICE TO ESTABLISH FEES FOR THE DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION; PROVIDING FOR THE DEPOSIT AND USE OF THE FEES; CREATING AN EXCEPTION TO BUDGET AMENDMENT REQUIREMENTS TO ALLOW THE DEPARTMENT OF JUSTICE TO INCUR PERSONAL SERVICES COSTS AND OPERATIONAL COSTS IN CONNECTION WITH THE DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION; AMENDING SECTION 17-7-402, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Criminal history record information account.** (1) There is a criminal history record information account in the state special revenue fund. Money collected pursuant to [section 2] must be deposited in the account.

(2) The account must be used by the department of justice for the dissemination of criminal history record information.

NEW SECTION. **Section 2. Use of criminal history record information account -- staffing -- funding.** (1) The department of justice may establish fees for the dissemination of criminal history record information. Revenue from the fees must be deposited in the account provided for in [section 1].

(2) The money in the account provided for in [section 1] must be used by the department of justice to pay for the costs associated with the dissemination of criminal history record information.

(3) The costs associated with the dissemination of criminal history record information include adequate staffing to provide for the dissemination service. The department of justice may add staff or incur operational costs, or both, pursuant to 17-7-402. The authority to add staff or incur operational costs must be based on the following:

(a) an additional 5,000 criminal history record information requests, above the number received in 2001, must be received and must involve fingerprint processing; or

(b) an additional 7,500 criminal history record information requests, above the number received in 2001,

must be received and must involve screening.

Section 3. Section 17-7-402, MCA, is amended to read:

"17-7-402. Budget amendment requirements. (1) Except as provided in subsection (7), a budget amendment may not be approved:

(a) by the approving authority, except a budget amendment to spend:

(i) additional federal revenue;

(ii) additional tuition collected by the Montana university system;

(iii) additional revenue deposited in the internal service funds within the department or the office of the commissioner of higher education as a result of increased service demands by state agencies;

(iv) Montana historical society enterprise revenue resulting from sales to the public;

(v) additional revenue that is deposited in funds other than the general fund and that is from the sale of fuel for those agencies participating in the Montana public vehicle fueling program established by Executive Order 22-91;

(vi) revenue resulting from the sale of goods produced or manufactured by the industries program of an institution within the department of corrections; ~~or~~

(vii) revenue collected for the administration of the state grain laboratory under the provisions of Title 80, chapter 4, part 7; or

(viii) revenue generated from fees collected by the department of justice for dissemination of criminal history record information pursuant to Title 44, chapter 5, part 3;

(b) by the approving authority if the budget amendment contains any significant ascertainable commitment for any present or future increased general fund support;

(c) by the approving authority for the expenditure of money in the state special revenue fund unless:

(i) an emergency justifies the expenditure;

(ii) the expenditure is authorized under subsection (1)(a); or

(iii) the expenditure is exempt under subsection (5);

(d) by the approving authority unless it will provide additional services;

(e) by the approving authority for any matter of which the requesting agency had knowledge at a time when the proposal could have been presented to an appropriation subcommittee, the house appropriations committee, or the senate finance and claims committee of the most recent legislative session open to that matter, except when the legislative finance committee is given specific notice by the approving authority that significant

identifiable events, specific to Montana and pursuant to provisions or requirements of Montana state law, have occurred since the matter was raised with or presented for consideration by the legislature; or

(f) to extend beyond June 30 of the last year of any biennium, except that budget amendments for federal funds may extend to the end of the federal fiscal year.

(2) A general fund loan made pursuant to 17-2-107 does not constitute a significant ascertainable commitment of present general fund support.

(3) Subject to subsection (1)(f), all budget amendments must itemize planned expenditures by fiscal year.

(4) Each budget amendment must be submitted by the approving authority to the budget director and the legislative fiscal analyst.

(5) Money from nonstate or nonfederal sources that would be deposited in the state special revenue fund and that is restricted by law or by the terms of a written agreement, such as a contract, trust agreement, or donation, is exempt from the requirements of this part.

(6) An appropriation for a nonrecurring item that would usually be the subject of a budget amendment must be submitted to the legislature for approval during a legislative session between January 1 and the senate hearing on the budget amendment bill. The bill may include authority to spend money in the current fiscal year and in both fiscal years of the next biennium.

(7) A budget amendment to spend state funds, other than from the general fund, required for matching funds in order to receive a grant is exempt from the provisions of subsection (1)."

NEW SECTION. **Section 4. Codification instruction.** [Sections 1 and 2] are intended to be codified as an integral part of Title 44, chapter 5, part 3, and the provisions of Title 44, chapter 5, part 3, apply to [sections 1 and 2].

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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