

HOUSE BILL NO. 78  
INTRODUCED BY J. PARKER

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE DRUG TREATMENT COURT COUNCIL FOR THE PROVISION OF FUNDING TO MONTANA DRUG COURTS; PROVIDING FOR THE POWERS AND DUTIES OF THE COUNCIL; PROVIDING AN APPROPRIATION; AND PROVIDING AN EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Drug treatment court council -- definitions.** (1) There is a drug treatment court council. The council is composed of the following five members:

(a) one justice of the Montana supreme court, appointed by the chief justice of the Montana supreme court;

(b) three judges of the district courts, elected by the district court judges through their association; and

(c) a municipal court judge or a justice of the peace, as determined by the presiding officer, elected by the municipal court judges and justices of the peace through their association.

(2) The justice of the supreme court shall serve as the presiding officer of the council and shall appoint a vice presiding officer to serve in the absence of the presiding officer.

(3) The terms of the members are for 3 years, except that the terms of the first members appointed or elected are staggered, as determined by the presiding officer. Members may be reappointed or elected for a second 3-year term.

(4) A vacancy on the council must be filled by appointment by the presiding officer for the remainder of the term.

(5) A quorum of the members of the council is necessary for the conduct of council business. A majority of the quorum shall determine the times and places for meetings of the council.

(6) The council is attached to the office of the supreme court administrator for administrative purposes. However, the council shall employ one full-time administrator who serves at the pleasure of the council. The supreme court administrator shall provide assistance to the council as requested by the council to allow it to carry out its statutory and assigned duties.

(7) As used in [sections 1 through 3]:

(a) "council" means the drug treatment court council; and

(b) "drug treatment court" means a drug treatment court provided for in 46-1-1103.

**NEW SECTION. Section 2. Council and administrator duties.** (1) The council shall make monetary awards to drug treatment courts, from funds appropriated to the council, in amounts as it may determine.

(2) The council shall conduct an ongoing review of the operations of drug treatment courts. That review must include:

- (a) the use of the drug treatment court federal resources account established by 46-1-1112;
- (b) the use and administration of the services provided by the drug treatment courts;
- (c) changes necessary or desirable for the operation of the drug treatment courts, including any legislation necessary for the implementation of those changes; and
- (d) training necessary for the successful and efficient operation of the drug treatment courts.

(3) The council shall adopt policies necessary to administer the duties of the council and the use of appropriations made to the council. The council shall provide reports to the supreme court and the legislature as they may request.

(4) The administrator of the council appointed pursuant to [section 1] shall:

- (a) collect and compile statistical data on the operation of the drug treatment courts;
- (b) conduct an annual training seminar necessary for the successful and efficient operation of the drug treatment courts; and
- (c) perform other duties as assigned by the council.

**NEW SECTION. Section 3. No compensation -- exception -- travel expenses.** (1) Except as otherwise provided in this section, the members of the council are entitled to no compensation for their services but are entitled to travel expenses, as provided in 2-18-501 through 2-18-503, while engaged in the discharge of council duties.

(2) If a municipal judge or justice of the peace is not engaged in full-time duties, the judge or justice must be compensated, in addition to payment for expenses as provided in this section and in the amount of the judge's or justice's usual compensation, while engaged in the business of the council.

**NEW SECTION. Section 4. Appropriation.** There is appropriated from the general fund \$2 million to the drug treatment court council established in [section 1], for the biennium ending June 30, 2009, for the purposes of [sections 1 through 3].

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

NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 2007.

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