

HOUSE BILL NO. 262

INTRODUCED BY B. MERCER, M. REGIER

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

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

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

"30-14-143. Disposition of civil fines, settlement proceeds, amounts awarded in judgments, costs, and fees. (1) (a) Except as provided in subsection ~~(1)(b)~~ (1)(c), all civil fines, settlement proceeds NOT OTHERWISE DESIGNATED FOR A SPECIFIC USE PURSUANT TO COURT ORDER, amounts awarded in judgments, costs, and fees received or recovered by the department pursuant to this part must be deposited into a state special revenue account to the credit of the department and must be used to defray the expenses of the department in discharging its administrative and regulatory powers and duties in relation to this part.

(b) At the end of each biennium, the balance in the state special revenue account may not exceed two times the amount of the budget appropriated to the department to discharge its powers and duties under this part for that biennium. FUNDS THAT ARE OTHERWISE OBLIGATED TO IMPLEMENT THE PROVISIONS OF THE SETTLEMENT AGREEMENT ARE NOT CONSIDERED PART OF THE BALANCE OF THE STATE SPECIAL REVENUE ACCOUNT. Any excess civil fines, settlement proceeds NOT OTHERWISE DESIGNATED FOR A SPECIFIC USE PURSUANT TO COURT ORDER, amounts awarded in judgment, costs, or fees must be transferred to the general fund no later than the first business day in January of the subsequent biennium.

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

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

