

HOUSE BILL NO. 312

INTRODUCED BY HOFFMAN, MAZUREK, DOHERTY, STRIZICH, NISBET

IN THE HOUSE

JANUARY 21, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON TAXATION.

JANUARY 22, 1991                   FIRST READING.

MARCH 18, 1991                    COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

MARCH 19, 1991                    PRINTING REPORT.

MARCH 20, 1991                    SECOND READING, DO PASS AS AMENDED.  
AYES, 40; NOES, 59. MOTION FAILED.

MARCH 21, 1991                    ON MOTION, TAKEN FROM SECOND READING  
AND REREFERRED TO COMMITTEE ON  
TAXATION.

MARCH 28, 1991                    COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

APRIL 1, 1991                     PRINTING REPORT.

APRIL 2, 1991                     SECOND READING, DO PASS.  
AYES, 37; NOES, 61. MOTION FAILED.

APRIL 3, 1991                     ON MOTION, PREVIOUS ACTION  
RECONSIDERED.

APRIL 4, 1991                     SECOND READING, DO PASS AS AMENDED.  
  
ON MOTION, RULES SUSPENDED. BILL  
PLACED ON THIRD READING THIS DAY.  
  
THIRD READING, PASSED.  
AYES, 53; NOES, 45.

APRIL 5, 1991                     ENGROSSING REPORT.  
  
TRANSMITTED TO SENATE.

IN THE SENATE

APRIL 5, 1991                    INTRODUCED AND REFERRED TO COMMITTEE  
ON TAXATION.

FIRST READING.

APRIL 12, 1991

COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

APRIL 15, 1991

SECOND READING, CONCURRED IN.

APRIL 16, 1991

THIRD READING, CONCURRED IN.  
AYES, 40; NOES, 9.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 18, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS  
CONCURRED IN.

APRIL 19, 1991

THIRD READING, AMENDMENTS  
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 312  
 2 INTRODUCED BY Hoffman  
 3 Nisbet Theresa Oshry

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO ASSUME STATE FUNDING  
 5 OF YOUTH COURT EXPENSES, JUVENILE PROBATION OFFICERS'  
 6 SALARIES, AND OTHER JUVENILE PROBATION EXPENSES; TO PROVIDE  
 7 STATE REIMBURSEMENT PAYMENTS FOR DISTRICT COURT EXPENSES TO  
 8 COUNTIES THAT HAVE EXPENDED THE REVENUE FROM THE MAXIMUM  
 9 PERMISSIBLE MILL LEVY FOR DISTRICT COURT FUNDING; TO PROVIDE  
 10 AN APPROPRIATION FOR STATE PAYMENTS AND REIMBURSEMENTS;  
 11 AMENDING SECTIONS 3-5-602, 3-5-604, 3-5-901, 3-5-902,  
 12 7-6-2427, 7-6-2511, 41-5-704, 46-8-201, 46-8-202, AND  
 13 61-3-509, MCA; REPEALING SECTIONS 7-6-2352 AND 41-5-104,  
 14 MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY  
 15 DATE."

16  
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 **Section 1.** Section 3-5-602, MCA, is amended to read:

19 "3-5-602. (Temporary) Salary and expenses --  
 20 apportionment. (1) Each reporter is entitled to receive a  
 21 base annual salary of not less than \$23,000 or more than  
 22 \$25,000 and no other compensation except as provided in  
 23 3-5-604. The salary shall be set by the judge for whom the  
 24 reporter works. The salary is payable in monthly  
 25 installments out of the general funds of the counties

1 comprising the district for which the reporter is appointed  
 2 and out of an appropriation made to the department of  
 3 commerce as provided in subsection (2).

4 (2) The department of commerce shall determine the  
 5 total number of civil and criminal actions commenced in the  
 6 preceding year in the district court or courts in the  
 7 judicial district for which a reporter is appointed. The  
 8 state shall pay its portion of the reporter's salary based  
 9 on the proportion of the total number of criminal actions  
 10 commenced in the district court or courts in the district  
 11 and the amount appropriated for that purpose. Each county  
 12 shall pay its portion of the remainder of the salary based  
 13 on its proportion of the total number of civil and criminal  
 14 actions commenced in the district courts in the district.  
 15 The judge or judges of the district shall, on January 1 of  
 16 each year or as soon thereafter as possible, apportion the  
 17 amount of the salary to be paid by each county in his or  
 18 their district on the basis prescribed in this subsection.  
 19 The portion of the salary payable by a county is a district  
 20 court expense within the meaning of 7-6-2351, 7-6-2352, and  
 21 7-6-2511.

22 (3) In judicial districts comprising more than one  
 23 county, the reporter is allowed, in addition to the salary  
 24 and fees provided for in subsection (1), his actual and  
 25 necessary travel expenses, as defined and provided in



1 2-18-501 through 2-18-503, when he goes on official business  
 2 to a county of his judicial district other than the county  
 3 in which he resides, from the time he leaves his place of  
 4 residence until he returns. The expenses shall be  
 5 apportioned and payable in the same way as the salary.  
 6 (Terminates June 30, 1991--sec. 4, Ch. 640, L. 1989.)

7 \*3-5-602. (Effective July 1, 1991) Salary and expenses  
 8 -- apportionment. (1) Each reporter is entitled to receive a  
 9 base annual salary of not less than \$23,000 or more than  
 10 \$30,000 and no other compensation except as provided in  
 11 3-5-604. The salary shall must be set by the judge for whom  
 12 the reporter works. The salary is payable in monthly  
 13 installments out of the general funds of the counties  
 14 comprising the district for which the reporter is appointed  
 15 and out of an appropriation made to the department of  
 16 commerce as provided in subsection (2).

17 (2) The department of commerce shall determine the  
 18 total number of civil and criminal actions commenced in the  
 19 preceding year in the district court or courts in the  
 20 judicial district for which a reporter is appointed. The  
 21 state shall pay its portion of the reporter's salary based  
 22 on the proportion of the total number of criminal actions  
 23 commenced in the district court or courts in the district  
 24 and the amount appropriated for that purpose. Each county  
 25 shall pay its portion of the remainder of the salary based

1 on its proportion of the total number of civil and criminal  
 2 actions commenced in the district courts in the district.  
 3 The judge or judges of the district shall, on January 1 of  
 4 each year or as soon thereafter as possible, apportion the  
 5 amount of the salary to be paid by each county in his or  
 6 their district on the basis prescribed in this subsection.  
 7 The portion of the salary payable by a county is a district  
 8 court expense within the meaning of [section 5], 7-6-2351,  
 9 7-6-2352, and 7-6-2511.

10 (3) In judicial districts comprising more than one  
 11 county, the reporter is allowed, in addition to the salary  
 12 and fees provided for in subsection (1), his actual and  
 13 necessary travel expenses, as defined and provided in  
 14 2-18-501 through 2-18-503, when he goes on official business  
 15 to a county of his judicial district other than the county  
 16 in which he resides, from the time he leaves his place of  
 17 residence until he returns thereto. The expenses shall be  
 18 are apportioned and payable in the same way as the salary."

19 **Section 2.** Section 3-5-604, MCA, is amended to read:

20 \*3-5-604. Transcript of proceedings. (1) Each reporter  
 21 must shall furnish, upon request, with all reasonable  
 22 diligence, to a party or his attorney in a case in which he  
 23 has attended the trial or hearing a transcript from his  
 24 stenographic notes of the testimony and proceedings of the  
 25 trial or hearing or a part thereof of the trial or hearing,

1 upon payment by the person requiring the same transcript of  
2 \$2 per page for the original transcript, 50 cents per page  
3 for the first copy, and 25 cents per page for each  
4 additional copy.

5 (2) If the county attorney, attorney general, or judge  
6 requires a transcript in a criminal case, the reporter is  
7 entitled to his fees therefor for the transcript, but he  
8 must furnish it. Upon furnishing it, he shall receive a  
9 certificate for the sum to which he is entitled. The  
10 reporter shall submit the certificate to the department of  
11 commerce which that, in accordance with 3-5-902, is  
12 responsible for the prompt payment of ~~all or a portion of~~  
13 the amount due the reporter. ~~if the department, in~~  
14 ~~accordance with 3-5-902, pays none or only a portion of the~~  
15 ~~amount due, the county shall pay the balance upon receipt of~~  
16 ~~a statement from the reporter.~~

17 (3) If the judge requires a copy in a civil case to  
18 assist him in rendering a decision, the reporter must  
19 furnish the same copy without charge therefor. In civil  
20 cases, all transcripts required by the county ~~shall~~ must be  
21 furnished, and only the reporter's actual costs of  
22 preparation may be paid by the county.

23 (4) If it appears to the judge that a defendant in a  
24 criminal case is unable to pay for a transcript, it ~~shall~~  
25 must be furnished to him and paid for by the state in the

1 manner provided in subsection (2) ~~to the extent funds are~~  
2 ~~available. The county shall pay the remainder as required in~~  
3 ~~3-5-901."~~

4 **Section 3.** Section 3-5-901, MCA, is amended to read:

5 **"3-5-901.** State assumption of certain district court  
6 expenses -- state funding after expenditure of county  
7 district court funds. (1) ~~Effective July 1, 1985, the~~ The  
8 ~~state shall, to the extent that money is appropriated,~~ fund:

9 (a) the following district court expenses in criminal  
10 cases only:

11 (a)(i) salaries of court reporters;

12 (b)(ii) transcripts of proceedings;

13 (c)(iii) witness fees and necessary expenses;

14 (d)(iv) juror fees;

15 (e)(v) indigent defense; and

16 (f)(vi) psychiatric examinations;

17 (b) the following youth court expenses only:

18 (i) court costs and other expenses set forth in  
19 41-5-207;

20 (ii) salaries, fringe benefits, and expenses of chief  
21 probation officers and deputy probation officers as set  
22 forth in 41-5-704 and 41-5-705;

23 (iii) salaries and fringe benefits of support staff  
24 working under direct supervision of chief probation  
25 officers; and

1 (iv) reasonable and ordinary expenses for office  
2 supplies and for telephone, office equipment, postage,  
3 printing, duplicating, photocopy, and facsimile costs; and

4 (c) all district court expenses remaining after county  
5 district court funds have been expended as provided in  
6 [section 5].

7 (2) The department of commerce, in consultation with  
8 the district judges for each judicial district, shall  
9 include within the department's biennial budget request to  
10 the legislature a request for funding the expenses listed in  
11 subsection (1).

12 ~~{j}--(a)--if--money--appropriated--for--the--expenses--listed~~  
13 ~~in--subsection--(j);~~

14 ~~{i}--exceeds--the--amount--necessary--to--fully--fund--those~~  
15 ~~expenses;--the--excess--amount--must--be--used--for--district--court~~  
16 ~~grants--as--provided--in--7-6-2352;--or~~

17 ~~{ii}--is--insufficient--to--fully--fund--those--expenses;--the~~  
18 ~~county--is--responsible--for--payment--of--the--balance;~~

19 ~~{b}--if--no--money--is--appropriated;--the--county--is~~  
20 ~~responsible--for--payment--of--all--expenses;"~~

21 **Section 4.** Section 3-5-902, MCA, is amended to read:  
22 "3-5-902. Fiscal administration for payment of court  
23 expenses. The department of commerce shall:

24 (1) establish procedures for disbursement of funds for  
25 payment of district court expenses listed in 3-5-901;

1 ~~including--prorating--of--those--funds--if--they--are--insufficient~~  
2 ~~to--cover--all--expenses--listed--in--3-5-901;~~

3 (2) develop a uniform accounting system for use by the  
4 counties in reporting court expenses at a detailed level for  
5 budgeting and auditing purposes; and

6 (3) provide for annual auditing of district court  
7 expenses to assure normal operations and consistency in  
8 reporting of expenditures."

9 **NEW SECTION. Section 5.** State payment of certain  
10 expenses of district courts -- local expenditure of maximum  
11 available funds -- rules. (1) The department of commerce  
12 shall pay certain expenses for the operation of district  
13 courts as provided in this section.

14 (2) The governing body of a county may apply to the  
15 department of commerce for payment of district court  
16 expenses for the previous fiscal year by filing a written  
17 request on forms provided by the department by July 20. The  
18 department may grant a time extension upon request of the  
19 county. In its application for reimbursement, a county shall  
20 certify that:

21 (a) all expenditures from the district court fund have  
22 been lawfully made;

23 (b) transfers from the district court fund have not  
24 been or will not be made to any other fund; and

25 (c) expenditures have not been made from the district

1 court fund that are not specifically authorized by 7-6-2511  
2 and 7-6-2351.

3 (3) The department of commerce shall reimburse a county  
4 for all district court expenditures for the previous fiscal  
5 year that exceeded the sum of:

6 (a) property tax revenue received by the county  
7 pursuant to its levy of the maximum mill levy for district  
8 court purposes. The maximum mill levy for district court  
9 expenses is the applicable number of mills set forth in  
10 7-6-2511 or the amount that equals or exceeds the revenue  
11 that would have been received from a levy of the maximum  
12 number of mills set forth in 7-6-2511.

13 (b) all other revenues, except state district court  
14 reimbursement payments made pursuant to this section,  
15 required by law to be deposited in the district court fund  
16 for the previous fiscal year.

17 (4) District court expenditures reimbursable by the  
18 state include all costs of the county associated with the  
19 operation and maintenance of the district court, from  
20 whatever fund paid, except costs for building and capital  
21 items and library maintenance, replacement, and acquisition.

22 (5) The department of commerce shall notify each county  
23 that applied for state reimbursement payments as soon as  
24 possible of the amount of the state payment.

25 (6) The state reimbursement payment received by the

1 county must be placed in the district court fund.

2 (7) After all reimbursement payments are made, the  
3 department of commerce shall audit each state payment. The  
4 department shall charge each county receiving a state  
5 reimbursement payment an audit fee in the amount incurred in  
6 conducting the audit.

7 (8) If the audit discloses that the county received a  
8 reimbursement payment in excess of the amount for which it  
9 was eligible, the county shall repay the excess to the  
10 department of commerce.

11 (9) The department of commerce shall prescribe rules  
12 and forms necessary to effectively administer this section.  
13 The department may require a county to provide any  
14 information considered necessary for the administration of  
15 the program.

16 NEW SECTION. **Section 6.** Insufficient funding. (1) If  
17 the amount of funds appropriated for the first year of the  
18 biennium is insufficient to pay district court expenses  
19 pursuant to 3-5-901 or [section 5], the department of  
20 commerce is authorized to spend funds appropriated for the  
21 second fiscal year of the biennium to fully fund district  
22 court expenses for the first fiscal year of the biennium.

23 (2) If the amount of funds appropriated for the second  
24 fiscal year of the biennium or the amount remaining after  
25 fully funding the first fiscal year of the biennium,

1 whichever the case may be, is insufficient to pay district  
 2 court expenses pursuant to 3-5-901 or [section 5], the  
 3 department of commerce shall seek a supplemental  
 4 appropriation from the legislature during its regular  
 5 session beginning in January of the second fiscal year of  
 6 the biennium and the legislature shall appropriate a  
 7 supplemental amount to fund district court expenses incurred  
 8 during the biennium that remain to be paid after the  
 9 original appropriation has been spent.

10 (3) If funds on hand are insufficient to pay district  
 11 court expenses pursuant to 3-5-901 or [section 5], the  
 12 department of commerce may, in its discretion, prorate  
 13 payments to counties or use other reasonable means to ensure  
 14 equitable distribution of the funds until full funding has  
 15 been obtained.

16 **Section 7.** Section 7-6-2427, MCA, is amended to read:

17 "7-6-2427. Special provisions for certain charges  
 18 related to criminal prosecutions. (1) Notwithstanding  
 19 7-6-2426, all costs of a criminal prosecution, including  
 20 attorneys' attorney fees, of an offense committed in the  
 21 state prison are not charges against the county in which the  
 22 state prison is located. Such The costs shall must be paid  
 23 by the department of institutions.

24 (2) If a criminal action is removed before trial, the  
 25 costs accruing upon such removal and trial must be a charge

1 against the county in which the indictment was found or  
 2 information filed, subject to ~~partial or total~~ reimbursement  
 3 as provided in 3-5-901."

4 **Section 8.** Section 7-6-2511, MCA, is amended to read:

5 "7-6-2511. County levy for district court expenses. The  
 6 governing body of each county may each year levy and collect  
 7 a tax on the taxable property of the county for all district  
 8 court costs, except those listed in 3-5-211, 3-5-213, and  
 9 3-5-215. The tax may not exceed 6 mills in the first- and  
 10 second-class counties, 5 mills in third- and fourth-class  
 11 counties, and 4 mills in fifth-, sixth-, and seventh-class  
 12 counties. These expenses include but are not limited to  
 13 salary and benefits for court clerks, court reporters, youth  
 14 probation-officers, and other employees of the district  
 15 court."

16 **Section 9.** Section 41-5-704, MCA, is amended to read:

17 "41-5-704. Salary and expenses. (1) A chief probation  
 18 officer shall receive for his services a salary specified by  
 19 the court, depending on the formal training and experience  
 20 of each respective officer, but such the salary may not be  
 21 no lower than \$17,000 a year and-no or higher than \$22,000 a  
 22 year. In addition to such the salary, the court shall, on or  
 23 before July 1 of each year, adjust and fix the salary of the  
 24 chief probation officer for a cost-of-living increase by  
 25 adding to his annual salary on July 1 of that year an



1 increment of 70% of the last previous calendar year's  
 2 consumer price index for all urban consumers, U.S.  
 3 department of labor, bureau of labor statistics, or other  
 4 index that the bureau of business and economic research of  
 5 the university of Montana may in the future recognize as the  
 6 successor to that index. The cost-of-living increment for  
 7 the fiscal year beginning July 1 of each subsequent fiscal  
 8 year shall must be added to all cost-of-living increments  
 9 granted for previous years. The salary of such the chief  
 10 probation officer shall must be apportioned among and paid  
 11 by ~~each--of--the--counties--in--which--such--officer--is--appointed~~  
 12 ~~to--act--in--proportion--to--the--cost--allocation--established~~  
 13 ~~under--41-5-104,--except--where--such--officer--is--appointed--for~~  
 14 ~~one--county,--such--county--shall--pay--the--entire--salary~~ the  
 15 department of commerce as provided in 3-5-901.

16 (2) In addition to the compensation provided in  
 17 subsection (1), each chief probation officer with more than  
 18 5 years of service is entitled to receive an annual 1%  
 19 longevity allowance. Each longevity allowance must be based  
 20 on the officer's current salary and begins on the officer's  
 21 annual employment anniversary date. The allowance must be  
 22 paid in equal monthly installments.

23 (3) For all authorized travel incident to his official  
 24 duties in connection with the investigation, supervision,  
 25 and transportation of youth, the chief probation officer

1 shall, in addition to his office salary, be reimbursed as  
 2 provided in 2-18-501 through 2-18-503."

3 **Section 10.** Section 46-8-201, MCA, is amended to read:

4 "46-8-201. Remuneration of appointed counsel. (1)  
 5 Whenever in a criminal proceeding an attorney represents or  
 6 defends any a person by order of the court on the ground  
 7 that the person is financially unable to employ counsel, the  
 8 attorney shall must be paid for his services such a sum as a  
 9 district court or justice of the state supreme court  
 10 certifies to be a reasonable compensation therefor and shall  
 11 must be reimbursed for reasonable costs incurred in the  
 12 criminal proceeding.

13 (2) The expense of implementing subsection (1) is  
 14 chargeable as provided in 3-5-901 to the ~~county-in-which-the~~  
 15 ~~proceeding--arose,--the~~ department of commerce, ~~or-both,~~  
 16 except that:

17 (a) in proceedings solely involving the violation of a  
 18 city ordinance or state statute prosecuted in a municipal or  
 19 city court, the expense is chargeable to the city or town in  
 20 which the proceeding arose; and

21 (b) when there has been an arrest by agents of the  
 22 department of fish, wildlife, and parks or agents of the  
 23 department of justice and the charge is prosecuted by  
 24 personnel of the state agency that made the charge, the  
 25 expense must be borne by the prosecuting state agency."

1 **Section 11.** Section 46-8-202, MCA, is amended to read:

2 "46-8-202. Public defender's office. Any A county  
3 through its board of county commissioners may provide for  
4 the creation of a public defender's office and the  
5 appointment of a salaried public defender and such assistant  
6 public defenders as may be necessary to satisfy the legal  
7 requirements in providing counsel for defendants unable to  
8 employ counsel. The costs of such the office shall must be  
9 at state expense payable according to procedures established  
10 under 3-5-902(1) ~~and, to the extent those costs are not paid~~  
11 ~~by the state, at county expense in accordance with~~  
12 ~~3-5-901(3) and 3-5-902(1).~~"

13 **Section 12.** Section 61-3-509, MCA, is amended to read:

14 "61-3-509. Disposition of taxes. (1) Except as provided  
15 in subsection (2), the county treasurer shall, after  
16 deducting the district court fee, credit all taxes on motor  
17 vehicles and fees in lieu of tax on motor homes, travel  
18 trailers, and campers collected under 61-3-504, 61-3-521,  
19 and 61-3-537 to a motor vehicle suspense fund, and at some  
20 time between March 1 and March 10 of each year and every 60  
21 days thereafter, the county treasurer shall distribute the  
22 money in the motor vehicle suspense fund in the relative  
23 proportions required by the levies for state, county, school  
24 district, and municipal purposes in the same manner as  
25 personal property taxes are distributed.

1 (2) The county treasurer shall deduct as a district  
2 court fee 7% of the amount of the 2% tax collected on an  
3 automobile or truck having a rated capacity of  
4 ~~three-quarters~~ of a ton or less. The county treasurer shall  
5 credit the fee for district courts to a separate suspense  
6 account and shall forward the amount in the account to the  
7 state treasurer at the time the county treasurer distributes  
8 the motor vehicle suspense fund. The state treasurer shall  
9 credit amounts received under this subsection to the general  
10 fund to be used for purposes of state funding of the  
11 district court expenses as provided in 3-5-901 and [section  
12 5]. ~~Any amount forwarded to the state treasurer under this~~  
13 ~~subsection that is not used for district court expenses must~~  
14 ~~be refunded to the counties in the proportion that the~~  
15 ~~amount collected from each county bears to the total amount~~  
16 ~~collected."~~

17 NEW SECTION. **Section 13.** Appropriation. The following  
18 is appropriated to the department of commerce for state  
19 payments set forth in 3-5-901 and for state reimbursements  
20 set forth in [section 5]:

21 (1) Vehicle license fee money collected under 61-3-509  
22 and deposited in the general fund for funding district  
23 courts is appropriated from the general fund to the  
24 department of commerce:

25 (a) for the fiscal year beginning June 30, 1991, in the

LC 0106/01

1 amount of \$2,800,000;

2 (b) for the fiscal year beginning June 30, 1992, in the  
3 amount of \$2,900,000.

4 (2) Money from the general fund is appropriated to the  
5 department of commerce for each of the fiscal years of the  
6 biennium in an annual amount of \$2,500,000.

7 NEW SECTION. **Section 14.** Repealer. Sections 7-6-2352  
8 and 41-5-104, MCA, are repealed.

9 NEW SECTION. **Section 15.** Effective date --  
10 applicability. [This act] is effective July 1, 1991, and  
11 applies to district court expenditures made after June 30,  
12 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0312, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An act to assume state funding of youth court expenses, juvenile probation officers' salaries, and other juvenile probation expenses; to provide state reimbursement payments for district court expenses to counties that have expended the revenue from the maximum permissible mill levy for district court funding; to provide an appropriation for state payments and reimbursements; amending existing statutes; and repealing 7-6-2352 and 41-5-104, MCA; and providing an effective and applicability date.

ASSUMPTIONS:

1. FY90 youth court costs, including probation related expenses, represent the projected costs in FY92 and FY93.
2. Additional workload from youth court reimbursements will require an additional 1.00 FTE assistant grade 12.
3. Total district court costs will be equal to or less than the maximum local levies plus the general fund appropriations to the District Court Reimbursement Program.
4. In addition to current general fund appropriations, vehicle license fees collected under 61-3-509, MCA, and deposited in the general fund are appropriated to the Department of Commerce for district court reimbursements not to exceed \$2.8 million in FY92 and \$2.9 million in FY93.
5. Section 13 stipulates total general fund appropriations to the Department of Commerce for district court reimbursements may not exceed \$5.3 million in FY92 and \$5.4 million in FY93. However, Section 6 requires full funding by the state general fund and the amount of this commitment cannot be determined at this time.
6. Language recommended by the executive budget for the general appropriations act, consistent with language used for the last two biennia, will be negated by the proposed bill. This language would have stated: "If the revenues deposited to the general fund through implementation of 61-3-509, MCA, are less than the appropriation for district court reimbursement, the department shall reduce the reimbursement to equal the revenue generated."
7. Current law is represented by the executive budget recommendation for district court reimbursements in the Department of Commerce.

FISCAL IMPACT:

see next page

  
ROD SUNDSTED, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

  
DAVID HOFFMAN, PRIMARY SPONSOR      DATE

Fiscal Note for HB0312, as introduced.

**HB 312**

Fiscal Note Request, HB0312, as introduced.

Form BD-15

Page 2

FISCAL IMPACT:

District Court Reimbursements:

	<u>FY 92</u>			<u>FY 93</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
FTE	1.00	2.00	1.00	1.00	2.00	1.00
Personal Services	24,695	51,240	26,545	24,638	51,240	26,602
Operating Costs	69,200	74,845	5,645	67,444	71,592	4,148
Equipment	0	6,437	6,437	0	0	0
Local Assistance	<u>2,734,526</u>	<u>5,167,478</u>	<u>2,432,952</u>	<u>2,734,526</u>	<u>5,277,168</u>	<u>2,542,642</u>
Total	2,828,421	5,300,000	2,471,579	2,826,608	5,400,000	2,573,392
<u>Funding:</u>						
General Fund	2,828,421	5,300,000	2,471,579	2,826,608	5,400,000	2,573,392
<u>Revenues:</u>						
Net General Fund Increase			2,471,579			2,573,392

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

1. Increase in the state reimbursement of district court cost should enable county governments to decrease local contributions to youth court cost.
2. Section 5(6) of the proposed legislation would require counties to segregate district court funds. Currently nine counties have no district court fund and would need to create a separate district court fund.
3. Counties will levy the maximum as shown on the table below or will receive prorated reimbursement based on the mill levy in the county.

HB 312

County	CLASS	FY91	FY91	PROPOSED	CURRENT	PROPOSED	DIFFERENCE
		TAXABLE VALUE	LEVY	LEVY	LEVY REV	LEVY REV	
Beaverhead	5	\$14,031,726	0.000	4.000	\$0	\$56,127	56,127
Big Horn	3	26,933,905	0.000	5.000	\$0	\$134,670	134,670
Blaine	5	13,579,048	2.847	4.000	\$38,660	\$54,316	15,657
Broadwater	5	12,139,242	0.000	4.000	\$0	\$48,557	48,557
Carbon	4	16,425,419	3.494	5.000	\$57,390	\$82,127	24,737
Carter	6	5,524,468	4.000	4.000	\$22,098	\$22,098	0
Cascade	1	89,344,476	6.000	6.000	\$536,067	\$536,067	0
Chouteau	3	24,799,050	1.084	5.000	\$26,882	\$123,995	97,113
Custer	5	14,890,004	6.393	4.000	\$95,192	\$59,560	(35,632)
Daniels	6	6,434,221	4.000	4.000	\$25,737	\$25,737	0
Dawson	4	18,599,233	3.300	5.000	\$61,377	\$92,996	31,619
Deer Lodge	6	8,626,724	0.000	4.000	\$0	\$34,507	34,507
Fallon	5	13,485,984	0.000	4.000	\$0	\$53,944	53,944
Fergus	3	20,367,788	5.000	5.000	\$101,839	\$101,839	0
Flathead	1	91,383,217	6.000	6.000	\$548,299	\$548,299	0
Gallatin	1	71,638,526	6.000	6.000	\$429,831	\$429,831	0
Garfield	6	5,256,947	0.000	4.000	\$0	\$21,028	21,028
Glacier	4	17,561,413	1.271	5.000	\$22,321	\$87,807	65,487
Golden Valley	6	5,162,097	1.710	4.000	\$8,827	\$20,648	11,821
Granite	6	7,350,757	0.001	4.000	\$7	\$29,403	29,396
Hill	3	29,688,033	6.000	5.000	\$178,128	\$148,440	(29,688)
Jefferson	3	22,181,663	3.673	5.000	\$81,473	\$110,908	29,435
Judith Basin	6	8,785,812	4.385	4.000	\$38,526	\$35,143	(3,383)
Lake	3	28,696,505	6.227	5.000	\$178,693	\$143,483	(35,211)
Lewis & Clark	1	64,699,497	8.355	6.000	\$540,564	\$388,197	(152,367)
Liberty	6	9,434,565	2.507	4.000	\$23,652	\$37,738	14,086
Lincoln	2	32,350,004	6.355	6.000	\$205,584	\$194,100	(11,484)
Madison	4	19,036,425	0.410	5.000	\$7,805	\$95,182	87,377
McCone	6	7,801,878	5.176	4.000	\$40,383	\$31,208	(9,175)
Meagher	6	8,031,683	3.365	4.000	\$27,027	\$32,127	5,100
Mineral	6	8,007,332	4.000	4.000	\$32,029	\$32,029	0
Missoula	1	112,420,000	7.210	6.000	\$810,548	\$674,520	(136,028)
Musselshell	6	6,781,983	7.770	4.000	\$52,696	\$27,128	(25,568)
Park	3	21,193,408	5.000	5.000	\$105,967	\$105,967	0
Petroleum	7	1,748,015	0.000	4.000	\$0	\$6,992	6,992
Phillips	3	23,541,070	2.600	5.000	\$61,207	\$117,705	56,499
Pondera	5	14,633,586	5.000	4.000	\$73,168	\$58,534	(14,634)
Powder River	6	6,035,110	0.000	4.000	\$0	\$24,140	24,140
Powell	5	12,499,949	4.000	4.000	\$50,000	\$50,000	0
Prairie	7	4,254,663	4.759	4.000	\$20,248	\$17,019	(3,229)
Ravalli	3	29,741,864	5.001	5.000	\$148,739	\$148,709	(30)
Richland	3	22,165,995	0.000	5.000	\$0	\$110,830	110,830
Roosevelt	3	25,740,528	2.510	5.000	\$64,609	\$128,703	64,094
Rosebud	1	178,512,891	0.000	6.000	\$0	\$1,071,077	1,071,077
Sanders	3	23,974,778	0.000	5.000	\$0	\$119,874	119,874
Sheridan	5	12,440,431	0.381	4.000	\$4,740	\$49,762	45,022
Silver Bow	2	47,273,558	13.735	6.000	\$649,302	\$283,641	(365,661)
Stillwater	4	18,077,368	3.300	5.000	\$59,655	\$90,387	30,732
Sweet Grass	6	7,718,376	4.000	4.000	\$30,874	\$30,874	0
Teton	4	15,170,161	1.500	5.000	\$22,755	\$75,851	53,096
Toole	4	17,569,146	2.834	5.000	\$49,791	\$87,846	38,055
Treasure	7	4,928,969	1.434	4.000	\$7,068	\$19,716	12,648
Valley	3	25,682,934	3.940	5.000	\$101,191	\$128,415	27,224
Wheatland	6	7,550,864	6.650	4.000	\$50,213	\$30,203	(20,010)
Wibaux	7	4,179,377	0.000	4.000	\$0	\$16,718	16,718
Yellowstone	1	183,593,025	6.236	6.000	\$1,144,886	\$1,101,558	(43,328)
	56	1,549,675,691	189	262	6,836,049	8,388,280	1,552,231

HB 312

Fiscal Note Request, HB0312, as introduced.

Form BD-15

Page 4

TECHNICAL NOTES:

1. Section 13(1)(a) and section 13(1)(b) has the fiscal year beginning June 30 which is the end of a fiscal year. This probably should be changed to July 1.
2. Section 6 makes a commitment for future supplemental appropriations.

HB 312

AS AMENDED

HOUSE BILL NO. 312

INTRODUCED BY HOFFMAN, MAZUREK, DOHERTY, STRIZICH, NISBET

A BILL FOR AN ACT ENTITLED: "AN ACT TO ASSUME STATE FUNDING OF YOUTH COURT EXPENSES, JUVENILE PROBATION OFFICERS' SALARIES, AND OTHER JUVENILE PROBATION EXPENSES; TO PROVIDE STATE REIMBURSEMENT PAYMENTS FOR DISTRICT COURT EXPENSES TO COUNTIES THAT HAVE EXPENDED THE REVENUE FROM THE MAXIMUM PERMISSIBLE MILL LEVY FOR DISTRICT COURT FUNDING; TO ~~PROVIDE AN-APPROPRIATION-FOR~~ INCREASE THE REGISTRATION FEES FOR AUTOMOBILES, LIGHT TRUCKS, MOTORCYCLES, QUADRICYCLES, AND LIGHT TRAILERS BY \$3 TO FUND STATE PAYMENTS AND REIMBURSEMENTS; TO PROVIDE FOR A STUDY OF FUNDING ALTERNATIVES BY THE STATE BAR OF MONTANA; AMENDING SECTIONS 3-5-602, 3-5-604, 3-5-901, 3-5-902, 7-6-2427, 7-6-2511, 41-5-704, 46-8-201, 46-8-202, 61-3-321, 61-3-325, AND 61-3-509, MCA; REPEALING SECTIONS 7-6-2352 AND 41-5-104, MCA; AND PROVIDING AN EFFECTIVE DATE AND, AN APPLICABILITY DATE, AND A TERMINATION DATE."

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

**Section 1.** Section 3-5-602, MCA, is amended to read:

"3-5-602. (Temporary) Salary and expenses -- apportionment. (1) Each reporter is entitled to receive a base annual salary of not less than \$23,000 or more than

\$25,000 and no other compensation except as provided in 3-5-604. The salary shall be set by the judge for whom the reporter works. The salary is payable in monthly installments out of the general funds of the counties comprising the district for which the reporter is appointed and out of an appropriation made to the department of commerce as provided in subsection (2).

(2) The department of commerce shall determine the total number of civil and criminal actions commenced in the preceding year in the district court or courts in the judicial district for which a reporter is appointed. The state shall pay its portion of the reporter's salary based on the proportion of the total number of criminal actions commenced in the district court or courts in the district and the amount appropriated for that purpose. Each county shall pay its portion of the remainder of the salary based on its proportion of the total number of civil and criminal actions commenced in the district courts in the district. The judge or judges of the district shall, on January 1 of each year or as soon thereafter as possible, apportion the amount of the salary to be paid by each county in his or their district on the basis prescribed in this subsection. The portion of the salary payable by a county is a district court expense within the meaning of 7-6-2351, 7-6-2352, and 7-6-2511.





1 (3) In judicial districts comprising more than one  
 2 county, the reporter is allowed, in addition to the salary  
 3 and fees provided for in subsection (1), his actual and  
 4 necessary travel expenses, as defined and provided in  
 5 2-18-501 through 2-18-503, when he goes on official business  
 6 to a county of his judicial district other than the county  
 7 in which he resides, from the time he leaves his place of  
 8 residence until he returns. The expenses shall be  
 9 apportioned and payable in the same way as the salary.  
 10 (Terminates June 30, 1991--sec. 4, Ch. 640, L. 1989.)

11 "3-5-602. (Effective July 1, 1991) Salary and expenses  
 12 -- apportionment. (1) Each reporter is entitled to receive a  
 13 base annual salary of not less than \$23,000 or more than  
 14 \$30,000 and no other compensation except as provided in  
 15 3-5-604. The salary shall must be set by the judge for whom  
 16 the reporter works. The salary is payable in monthly  
 17 installments out of the general funds of the counties  
 18 comprising the district for which the reporter is appointed  
 19 and out of an appropriation made to the department of  
 20 commerce as provided in subsection (2).

21 (2) The department of commerce shall determine the  
 22 total number of civil and criminal actions commenced in the  
 23 preceding year in the district court or courts in the  
 24 judicial district for which a reporter is appointed. The  
 25 state shall pay its portion of the reporter's salary based

1 on the proportion of the total number of criminal actions  
 2 commenced in the district court or courts in the district  
 3 and the amount appropriated for that purpose. Each county  
 4 shall pay its portion of the remainder of the salary based  
 5 on its proportion of the total number of civil and criminal  
 6 actions commenced in the district courts in the district.  
 7 The judge or judges of the district shall, on January 1 of  
 8 each year or as soon thereafter as possible, apportion the  
 9 amount of the salary to be paid by each county in his or  
 10 their district on the basis prescribed in this subsection.  
 11 The portion of the salary payable by a county is a district  
 12 court expense within the meaning of [section 5], 7-6-2351,  
 13 7-6-2352, and 7-6-2511.

14 (3) In judicial districts comprising more than one  
 15 county, the reporter is allowed, in addition to the salary  
 16 and fees provided for in subsection (1), his actual and  
 17 necessary travel expenses, as defined and provided in  
 18 2-18-501 through 2-18-503, when he goes on official business  
 19 to a county of his judicial district other than the county  
 20 in which he resides, from the time he leaves his place of  
 21 residence until he returns thereto. The expenses shall--be  
 22 are apportioned and payable in the same way as the salary."

23 **Section 2.** Section 3-5-604, MCA, is amended to read:

24 "3-5-604. Transcript of proceedings. (1) Each reporter  
 25 must shall furnish, upon request, with all reasonable

1 diligence, to a party or his attorney in a case in which he  
 2 has attended the trial or hearing a transcript from his  
 3 stenographic notes of the testimony and proceedings of the  
 4 trial or hearing or a part thereof of the trial or hearing,  
 5 upon payment by the person requiring the same transcript of  
 6 \$2 per page for the original transcript, 50 cents per page  
 7 for the first copy, and 25 cents per page for each  
 8 additional copy.

9 (2) If the county attorney, attorney general, or judge  
 10 requires a transcript in a criminal case, the reporter is  
 11 entitled to his fees therefor for the transcript, but he  
 12 must furnish it. Upon furnishing it, he shall receive a  
 13 certificate for the sum to which he is entitled. The  
 14 reporter shall submit the certificate to the department of  
 15 commerce which that, in accordance with 3-5-902, is  
 16 responsible for the prompt payment of all-or-a-portion-of  
 17 the amount due the reporter. if--the---department,---in  
 18 accordance--with-3-5-902,-pays-none-or-only-a-portion-of-the  
 19 amount-due,-the-county-shall-pay-the-balance-upon-receipt-of  
 20 a-statement-from-the-reporter.

21 (3) If the judge requires a copy in a civil case to  
 22 assist him in rendering a decision, the reporter must  
 23 furnish the same copy without charge therefor. In civil  
 24 cases, all transcripts required by the county shall must be  
 25 furnished, and only the reporter's actual costs of

1 preparation may be paid by the county.

2 (4) If it appears to the judge that a defendant in a  
 3 criminal case is unable to pay for a transcript, it shall  
 4 must be furnished to him and paid for by the state in the  
 5 manner provided in subsection (2) to-the--extent--funds--are  
 6 available--The-county-shall-pay-the-remainder-as-required-in  
 7 3-5-901."

8 **Section 3.** Section 3-5-901, MCA, is amended to read:

9 "3-5-901. State assumption of certain district court  
 10 expenses ----state--funding--after--expenditure--of--county  
 11 district-court-funds. (1) Effective-July-17--1985,--the The  
 12 state shall to-the-extent-that-money-is-appropriated, fund:

13 (a) the following district court expenses in criminal  
 14 cases only:

- 15 (a)(i) salaries of court reporters;
- 16 (b)(ii) transcripts of proceedings;
- 17 (c)(iii) witness fees and necessary expenses;
- 18 (d)(iv) juror fees;
- 19 (e)(v) indigent defense; and
- 20 (f)(vi) psychiatric examinations;

21 (b) the following youth court expenses only:

22 (i) court costs and other expenses set forth in  
 23 41-5-207;

24 (ii) salaries, fringe benefits, and expenses of chief  
 25 probation officers and deputy probation officers as set

1 forth in 41-5-704 and 41-5-705;  
 2 (iii) salaries and fringe benefits of support staff  
 3 working under direct supervision of chief probation  
 4 officers; and  
 5 (iv) reasonable and ordinary expenses for office  
 6 supplies and for telephone, office equipment, postage,  
 7 printing, duplicating, photocopy, and facsimile costs; and  
 8 (c) all district court expenses remaining after county  
 9 district court funds have been expended as provided in  
 10 [section 5].

11 (2) The department of commerce, in consultation with  
 12 the district judges for each judicial district, shall  
 13 include within the department's biennial budget request to  
 14 the legislature a request for funding the expenses listed in  
 15 subsection (1).

16 ~~{3}--(a)--if-money-appropriated-for-the--expenses--listed~~  
 17 ~~in-subsection-(1):~~

18 ~~{i)--exceeds--the--amount--necessary-to-fully-fund-those~~  
 19 ~~expenses--the-excess-amount-must-be-used-for-district--court~~  
 20 ~~grants-as-provided-in-7-6-2352--or~~

21 ~~{ii)--is--insufficient--to-fully-fund-those-expenses--the~~  
 22 ~~county-is-responsible-for-payment-of-the-balance.~~

23 ~~{b)--if-no-money--is--appropriated--the---county---is~~  
 24 ~~responsible-for-payment-of-all-expenses.~~

25 **Section 4.** Section 3-5-902, MCA, is amended to read:

1 **"3-5-902. Fiscal administration for payment of court**  
 2 **expenses. The department of commerce shall:**

3 (1) establish procedures for disbursement of funds for  
 4 payment of district court expenses listed in 3-5-901,  
 5 ~~including--prorating-of-those-funds-if-they-are-insufficient~~  
 6 ~~to-cover-all-expenses-listed-in-3-5-901;~~

7 (2) develop a uniform accounting system for use by the  
 8 counties in reporting court expenses at a detailed level for  
 9 budgeting and auditing purposes; and

10 (3) provide for annual auditing of district court  
 11 expenses to assure normal operations and consistency in  
 12 reporting of expenditures."

13 **NEW SECTION. Section 5. State payment of certain**  
 14 **expenses of district courts -- local expenditure of maximum**  
 15 **available funds -- rules. (1) The department of commerce**  
 16 **shall pay certain expenses for the operation of district**  
 17 **courts as provided in this section.**

18 (2) The governing body of a county may apply to the  
 19 department of commerce for payment of district court  
 20 expenses for the previous fiscal year by filing a written  
 21 request on forms provided by the department by July 20. The  
 22 department may grant a time extension upon request of the  
 23 county. In its application for reimbursement, a county shall  
 24 certify that:

25 (a) all expenditures from the district court fund have

1 been lawfully made;

2 (b) transfers from the district court fund have not  
3 been or will not be made to any other fund; and

4 (c) expenditures have not been made from the district  
5 court fund that are not specifically authorized by 7-6-2511  
6 and 7-6-2351.

7 (3) The department of commerce shall reimburse a county  
8 for all district court expenditures for the previous fiscal  
9 year that exceeded the sum of:

10 (a) property tax revenue received by the county  
11 pursuant to its levy of the maximum mill levy for district  
12 court purposes. The maximum mill levy for district court  
13 expenses is the applicable number of mills set forth in  
14 7-6-2511 or the amount that equals or exceeds the revenue  
15 that would have been received from a levy of the maximum  
16 number of mills set forth in 7-6-2511.

17 (b) all other revenues, except state district court  
18 reimbursement payments made pursuant to this section,  
19 required by law to be deposited in the district court fund  
20 for the previous fiscal year.

21 (4) District court expenditures reimbursable by the  
22 state include all costs of the county associated with the  
23 operation and maintenance of the district court, from  
24 whatever fund paid, except costs for building and capital  
25 items and library maintenance, replacement, and acquisition.

1 (5) The department of commerce shall notify each county  
2 that applied for state reimbursement payments as soon as  
3 possible of the amount of the state payment.

4 (6) The state reimbursement payment received by the  
5 county must be placed in the district court fund.

6 (7) After all reimbursement payments are made, the  
7 department of commerce shall audit each state payment. The  
8 department shall charge each county receiving a state  
9 reimbursement payment an audit fee in the amount incurred in  
10 conducting the audit.

11 (8) If the audit discloses that the county received a  
12 reimbursement payment in excess of the amount for which it  
13 was eligible, the county shall repay the excess to the  
14 department of commerce.

15 (9) The department of commerce shall prescribe rules  
16 and forms necessary to effectively administer this section.  
17 The department may require a county to provide any  
18 information considered necessary for the administration of  
19 the program.

20 NEW SECTION. **Section 6. Insufficient funding.** (1) If  
21 the amount of funds appropriated for the first year of the  
22 biennium is insufficient to pay district court expenses  
23 pursuant to 3-5-901 or [section 5], the department of  
24 commerce is authorized to spend funds appropriated for the  
25 second fiscal year of the biennium to fully fund district

1 court expenses for the first fiscal year of the biennium.

2 ~~{2}--If the amount of funds appropriated for the--second~~  
 3 ~~fiscal--year--of--the--biennium--or--the--amount--remaining--after~~  
 4 ~~fully--funding--the--first--fiscal--year--of--the--biennium,~~  
 5 ~~whichever--the--case--may--be--is--insufficient--to--pay--district~~  
 6 ~~court--expenses--pursuant--to--3-5-901--or--{section-5},--the~~  
 7 ~~department--of--commerce--shall--seek--a--supplemental~~  
 8 ~~appropriation--from--the--legislature--during--its--regular~~  
 9 ~~session--beginning--in--January--of--the--second--fiscal--year--of~~  
 10 ~~the--biennium--and--the--legislature--shall--appropriate--a~~  
 11 ~~supplemental--amount--to--fund--district--court--expenses--incurred~~  
 12 ~~during--the--biennium--that--remain--to--be--paid--after--the~~  
 13 ~~original--appropriation--has--been--spent:~~

14 ~~{3}{2}~~ If funds on hand are insufficient to pay  
 15 district court expenses pursuant to 3-5-901 or [section 5],  
 16 the department of commerce may, in its discretion, prorate  
 17 payments to counties or use other reasonable means to ensure  
 18 equitable distribution of the funds until full funding has  
 19 been obtained.

20 **Section 7.** Section 7-6-2427, MCA, is amended to read:

21 "7-6-2427. Special provisions for certain charges  
 22 related to criminal prosecutions. (1) Notwithstanding  
 23 7-6-2426, all costs of a criminal prosecution, including  
 24 attorneys' attorney fees, of an offense committed in the  
 25 state prison are not charges against the county in which the

1 state prison is located. Such The costs shall must be paid  
 2 by the department of institutions.

3 (2) If a criminal action is removed before trial, the  
 4 costs accruing upon such removal and trial must be a charge  
 5 against the county in which the indictment was found or  
 6 information filed, subject to ~~partial--or--total~~ reimbursement  
 7 as provided in 3-5-901."

8 **Section 8.** Section 7-6-2511, MCA, is amended to read:

9 "7-6-2511. County levy for district court expenses. The  
 10 governing body of each county may each year levy and collect  
 11 a tax on the taxable property of the county for all district  
 12 court costs, except those listed in 3-5-211, 3-5-213, and  
 13 3-5-215. The tax may not exceed 6 mills in the first- and  
 14 second-class counties, 5 mills in third- and fourth-class  
 15 counties, and 4 mills in fifth-, sixth-, and seventh-class  
 16 counties. These expenses include but are not limited to  
 17 salary and benefits for court clerks, court reporters, youth  
 18 probation--officers, and other employees of the district  
 19 court."

20 **Section 9.** Section 41-5-704, MCA, is amended to read:

21 "41-5-704. Salary and expenses. (1) A chief probation  
 22 officer shall receive for his services a salary specified by  
 23 the court, depending on the formal training and experience  
 24 of each respective officer, but such the salary may not be  
 25 no lower than \$17,000 a year and no or higher than \$22,000 a

1 year. In addition to such the salary, the court shall, on or  
 2 before July 1 of each year, adjust and fix the salary of the  
 3 chief probation officer for a cost-of-living increase by  
 4 adding to his annual salary on July 1 of that year an  
 5 increment of 70% of the last previous calendar year's  
 6 consumer price index for all urban consumers, U.S.  
 7 department of labor, bureau of labor statistics, or other  
 8 index that the bureau of business and economic research of  
 9 the university of Montana may in the future recognize as the  
 10 successor to that index. The cost-of-living increment for  
 11 the fiscal year beginning July 1 of each subsequent fiscal  
 12 year ~~shall~~ must be added to all cost-of-living increments  
 13 granted for previous years. The salary of such the chief  
 14 probation officer shall must be ~~apportioned-among-and~~ paid  
 15 ~~by each-of-the-counties-in-which-such-officer--is--appointed~~  
 16 ~~to--act,--in--proportion--to--the--cost--allocation--established~~  
 17 ~~under-41-5-1047--except--where--such--officer--is--appointed--for~~  
 18 ~~one--county,--such--county--shall--pay--the--entire--salary~~ the  
 19 department of commerce as provided in 3-5-901.

20 (2) In addition to the compensation provided in  
 21 subsection (1), each chief probation officer with more than  
 22 5 years of service is entitled to receive an annual 1 $\frac{1}{2}$   
 23 longevity allowance. Each longevity allowance must be based  
 24 on the officer's current salary and begins on the officer's  
 25 annual employment anniversary date. The allowance must be

1 paid in equal monthly installments.

2 (3) For all authorized travel incident to his official  
 3 duties in connection with the investigation, supervision,  
 4 and transportation of youth, the chief probation officer  
 5 shall, in addition to his office salary, be reimbursed as  
 6 provided in 2-18-501 through 2-18-503."

7 **Section 10.** Section 46-8-201, MCA, is amended to read:

8 "46-8-201. Remuneration of appointed counsel. (1)  
 9 Whenever in a criminal proceeding an attorney represents or  
 10 defends any a person by order of the court on the ground  
 11 that the person is financially unable to employ counsel, the  
 12 attorney ~~shall~~ must be paid for his services such a sum as a  
 13 district court or justice of the state supreme court  
 14 certifies to be a reasonable compensation ~~therefor~~ and ~~shall~~  
 15 must be reimbursed for reasonable costs incurred in the  
 16 criminal proceeding.

17 (2) The expense of implementing subsection (1) is  
 18 chargeable as provided in 3-5-901 to the ~~county-in-which-the~~  
 19 ~~proceeding-arose~~--the department of commerce, ~~or--both~~  
 20 except that:

21 (a) in proceedings solely involving the violation of a  
 22 city ordinance or state statute prosecuted in a municipal or  
 23 city court, the expense is chargeable to the city or town in  
 24 which the proceeding arose; and

25 (b) when there has been an arrest by agents of the

1 department of fish, wildlife, and parks or agents of the  
 2 department of justice and the charge is prosecuted by  
 3 personnel of the state agency that made the charge, the  
 4 expense must be borne by the prosecuting state agency."

5 **Section 11.** Section 46-8-202, MCA, is amended to read:

6 "46-8-202. Public defender's office. Any A county  
 7 through its board of county commissioners may provide for  
 8 the creation of a public defender's office and the  
 9 appointment of a salaried public defender and such assistant  
 10 public defenders as may be necessary to satisfy the legal  
 11 requirements in providing counsel for defendants unable to  
 12 employ counsel. The costs of such the office shall must be  
 13 at state expense payable according to procedures established  
 14 under 3-5-902(1) ~~and, to the extent those costs are not paid~~  
 15 ~~by the state, at county expense in accordance with~~  
 16 ~~3-5-901(3) and 3-5-902(1).~~"

17 **SECTION 12.** SECTION 61-3-321, MCA, IS AMENDED TO READ:

18 "61-3-321. Registration fees of vehicles --  
 19 public-owned vehicles exempt from license or registration  
 20 fees -- disposition of fees. (1) Registration or license  
 21 fees must be paid upon registration or reregistration of  
 22 motor vehicles, trailers, housetrailers, and semitrailers,  
 23 in accordance with this chapter, as follows:

24 (a) motor vehicles weighing 2,850 pounds or under  
 25 (other than motortrucks), \$5 \$8;

- 1 (b) motor vehicles weighing over 2,850 pounds (other
- 2 than motortrucks), ~~\$10~~ \$13;
- 3 (c) electrically driven passenger vehicles, \$10;
- 4 (d) all motorcycles and quadricycles, ~~\$2~~ \$5;
- 5 (e) tractors and/or trucks, \$10;
- 6 (f) buses are classed as motortrucks and licensed
- 7 accordingly;
- 8 (g) trailers and semitrailers less than 2,500 pounds
- 9 maximum gross loaded weight and housetrailers of all
- 10 weights, ~~\$2~~ \$5;
- 11 (h) trailers and semitrailers over 2,500 up to 6,000
- 12 pounds maximum gross loaded weight (except housetrailers),
- 13 \$5;
- 14 (i) trailers and semitrailers over 6,000 pounds maximum
- 15 gross loaded weight, \$10;
- 16 (j) trailers used exclusively in the transportation of
- 17 logs in the forest or in the transportation of oil and gas
- 18 well machinery, road machinery, or bridge materials, new and
- 19 secondhand, \$15 annually, regardless of size or capacity.
- 20 (2) All rates are 25% higher for motor vehicles,
- 21 trailers, and semitrailers not equipped with pneumatic
- 22 tires.
- 23 (3) "Tractor", as specified in this section, means any
- 24 motor vehicle, except passenger cars, used for towing a
- 25 trailer or semitrailer.

1 (4) If any motor vehicle, housetrailer, trailer, or  
 2 semitrailer is originally registered 6 months after the time  
 3 of registration as set by law, the registration or license  
 4 fee for the remainder of the year is one-half of the regular  
 5 fee.

6 (5) An additional fee of \$5.25 per year for each  
 7 registration of a vehicle must be collected as a  
 8 registration fee. Revenue from this fee must be forwarded by  
 9 the respective county treasurers to the state treasurer for  
 10 deposit in the general fund. The department of justice shall  
 11 distribute 25 cents from each fee collected to the highway  
 12 patrol retirement fund.

13 (6) A fee of \$2 for each set of new number plates must  
 14 be collected when number plates provided for under  
 15 61-3-332(3) are issued. Revenue from this fee must be  
 16 deposited as provided in subsection (5).

17 (7) The provisions of this part with respect to the  
 18 payment of registration fees do not apply to and are not  
 19 binding upon motor vehicles, trailers or semitrailers, or  
 20 tractors owned or controlled by the United States of America  
 21 or any state, county, or city.

22 (8) The provisions of this section relating to the  
 23 payment of registration fees or new number plate fees do not  
 24 apply when number plates are transferred to a replacement  
 25 vehicle under 61-3-317, 61-3-332, or 61-3-335.

1 (9) The county treasurer shall deduct \$3 as a district  
 2 court fee from the fee collected in subsections (1)(a),  
 3 (1)(b), (1)(d), and (1)(g). The county treasurer shall  
 4 credit the fee for district courts to a separate suspense  
 5 account and shall forward the amount in the account to the  
 6 state treasurer at the time the county treasurer distributes  
 7 the motor vehicle suspend fund. The state treasurer shall  
 8 credit that amount to the general fund to be used for  
 9 purposes of state funding of district court expenses as  
 10 provided in 3-5-901 and [section 5]."

11 **SECTION 13. SECTION 61-3-325, MCA, IS AMENDED TO READ:**

12 "61-3-325. Vehicles subject to staggered registration  
 13 -- fees and taxes -- disposition. (1) Any motor vehicle in  
 14 the fleet that is subject to staggered registration under  
 15 61-3-313 through 61-3-316 may be registered as part of the  
 16 fleet on the following fleet renewal date. The department of  
 17 highways shall collect the remaining fees and taxes due for  
 18 the registration year after crediting the registrant for the  
 19 period that was previously paid.

20 (2) (a) The department of highways shall compute fees  
 21 and taxes due on each motor vehicle in the fleet as provided  
 22 in part 5 of this chapter, based on its domicile.

23 (b) The department of highways shall also collect a  
 24 registration fee of \$7.50 for each motor vehicle in the  
 25 fleet in lieu of the registration fee provided for in



1 61-3-321. The department shall retain \$4.50 of each  
 2 registration fee for administrative costs and forward the  
 3 remaining \$3 to the state treasurer for deposit in the  
 4 general fund in lieu of the fee provided in 61-3-321(5). The  
 5 department of highways shall deduct the \$3 district court  
 6 fee on applicable vehicle registration fees as provided in  
 7 61-3-321(9) and forward that amount to the state treasurer  
 8 who shall credit that amount to the general fund to be used  
 9 for the purposes of state funding of district court expenses  
 10 as provided in 3-5-901 and [section 5].

11 (c) All fees and taxes must be paid no later than  
 12 February 15 each year.

13 (d) The fees and taxes collected must be distributed by  
 14 the department of highways as provided in 61-3-321 and part  
 15 5 of this chapter, based on the domicile of each motor  
 16 vehicle."

17 **Section 14.** Section 61-3-509, MCA, is amended to read:

18 "61-3-509. **Disposition of taxes.** (1) Except as provided  
 19 in subsection (2), the county treasurer shall, after  
 20 deducting the district court fee, credit all taxes on motor  
 21 vehicles and fees in lieu of tax on motor homes, travel  
 22 trailers, and campers collected under 61-3-504, 61-3-521,  
 23 and 61-3-537 to a motor vehicle suspense fund, and at some  
 24 time between March 1 and March 10 of each year and every 60  
 25 days thereafter, the county treasurer shall distribute the

1 money in the motor vehicle suspense fund in the relative  
 2 proportions required by the levies for state, county, school  
 3 district, and municipal purposes in the same manner as  
 4 personal property taxes are distributed.

5 (2) The county treasurer shall deduct as a district  
 6 court fee 7% of the amount of the 2% tax collected on an  
 7 automobile or truck having a rated capacity of  
 8 three-quarters of a ton or less. The county treasurer shall  
 9 credit the fee for district courts to a separate suspense  
 10 account and shall forward the amount in the account to the  
 11 state treasurer at the time the county treasurer distributes  
 12 the motor vehicle suspense fund. The state treasurer shall  
 13 credit amounts received under this subsection to the general  
 14 fund to be used for purposes of state funding of the  
 15 district court expenses as provided in 3-5-901 and [section  
 16 5]. ~~Any amount forwarded to the state treasurer under this~~  
 17 ~~subsection that is not used for district court expenses must~~  
 18 ~~be refunded to the counties in the proportion that the~~  
 19 ~~amount collected from each county bears to the total amount~~  
 20 ~~collected.~~ ANY AMOUNT FORWARDED TO THE STATE TREASURER UNDER  
 21 THIS SUBSECTION THAT IS NOT USED FOR DISTRICT COURT EXPENSES  
 22 MUST BE REFUNDED TO THE COUNTIES IN THE PROPORTION THAT THE  
 23 AMOUNT COLLECTED FROM EACH COUNTY BEARS TO THE TOTAL AMOUNT  
 24 COLLECTED."

25 ~~NEW SECTION: Section 13. Appropriation: The following~~

1 is appropriated to the department of commerce for state  
 2 payments set forth in 3-5-901 and for state reimbursements  
 3 set forth in {section 5};

4 {1}--Vehicle license fee money collected under 61-3-509  
 5 and deposited in the general fund for funding district  
 6 courts is appropriated from the general fund to the  
 7 department of commerce;

8 {a}--for the fiscal year beginning June 30, 1991, in the  
 9 amount of \$2,800,000;

10 {b}--for the fiscal year beginning June 30, 1992, in the  
 11 amount of \$2,900,000;

12 {2}--Money from the general fund is appropriated to the  
 13 department of commerce for each of the fiscal years of the  
 14 biennium in an annual amount of \$2,500,000.

15 NEW SECTION. SECTION 15. STATE BAR OF MONTANA -- STUDY  
 16 OF FUNDING ALTERNATIVES. THE STATE BAR OF MONTANA CONDUCTED  
 17 A STUDY THAT RESULTED IN THE ENACTMENT OF THE SUBSTANTIVE  
 18 PORTIONS OF [THIS ACT], BUT RECOMMENDED NO SOURCE OF FUNDING  
 19 OTHER THAN AN APPROPRIATION FROM THE STATE GENERAL FUND. THE  
 20 STATE BAR IS REQUESTED TO CONTINUE THE STUDY AND RECOMMEND A  
 21 METHOD OF FUNDING THE SUBSTANTIVE PORTIONS OF [THIS ACT] TO  
 22 THE 53RD LEGISLATURE. THE STATE BAR SHOULD CONSIDER:

23 (1) THE DEPOSIT OF ALL OR A PORTION OF PUNITIVE DAMAGE  
 24 AWARDS INTO THE REIMBURSEMENT FUND;

25 (2) THE DEPOSIT OF PREJUDGMENT INTEREST INTO THE

1 REIMBURSEMENT FUND;

2 (3) INCREASING THE CONTROL AND SUPERVISION OVER  
 3 DISTRICT COURT BUDGETS;

4 (4) DEPOSIT OF INCREASED FILING AND JUDGMENT FEES INTO  
 5 THE REIMBURSEMENT FUND; AND

6 (5) ANY OTHER MATTER IT CONSIDERS GERMANE TO THE  
 7 FINANCING AND FISCAL ADMINISTRATION OF STATE DISTRICT  
 8 COURTS.

9 NEW SECTION. SECTION 16. Repealer. Sections 7-6-2352  
 10 and 41-5-104, MCA, are repealed.

11 NEW SECTION. SECTION 17. Effective date --  
 12 applicability. [This act] is effective July 1, 1991, and  
 13 applies to district court expenditures made after June 30,  
 14 1991.

15 NEW SECTION. SECTION 18. TERMINATION. [THIS ACT]  
 16 TERMINATES JUNE 30, 1993.

-End-

HOUSE BILL NO. 312

INTRODUCED BY HOFFMAN, MAZUREK, DOHERTY, STRIZICH, NISBET

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO ASSUME STATE FUNDING OF YOUTH COURT EXPENSES, JUVENILE PROBATION OFFICERS' SALARIES, AND OTHER JUVENILE PROBATION EXPENSES;~~ TO PROVIDE STATE REIMBURSEMENT PAYMENTS FOR DISTRICT COURT EXPENSES TO COUNTIES THAT HAVE EXPENDED THE REVENUE FROM THE MAXIMUM PERMISSIBLE MILL LEVY FOR DISTRICT COURT FUNDING; TO PROVIDE AN APPROPRIATION FOR INCREASE THE REGISTRATION FEES FOR AUTOMOBILES, LIGHT TRUCKS, MOTORCYCLES, QUADRICYCLES, AND LIGHT TRAILERS BY \$3 TO FUND STATE PAYMENTS AND REIMBURSEMENTS, TO PROVIDE FOR A STUDY OF FUNDING ALTERNATIVES BY THE STATE BAR OF MONTANA, AUTHORIZE THE COUNTY COMMISSIONERS TO USE ALL OF THE LOCAL VEHICLE OPTION TAX FOR COUNTY PURPOSES; AMENDING SECTIONS 3-5-602, 3-5-604, 3-5-901, 3-5-902, 7-6-2427, 7-6-2511, 41-5-704, 46-8-201, 46-8-202, 61-3-321, 61-3-325, AND 61-3-509 61-3-537, MCA; REPEALING SECTIONS 7-6-2352 AND 41-5-1047 MCA, AND PROVIDING AN EFFECTIVE DATE AND, AN APPLICABILITY DATE, AND A TERMINATION DATE."

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

Section 1, Section 3-5-602, MCA, is amended to read:

"3-5-602. (Temporary) Salary and expenses

~~(1) Each reporter is entitled to receive a base annual salary of not less than \$23,000 or more than \$25,000 and no other compensation except as provided in 3-5-604. The salary shall be set by the judge for whom the reporter works. The salary is payable in monthly installments out of the general funds of the counties comprising the district for which the reporter is appointed and out of an appropriation made to the department of commerce as provided in subsection (2).~~

(2) The department of commerce shall determine the total number of civil and criminal actions commenced in the preceding year in the district court or courts in the judicial district for which a reporter is appointed. The state shall pay its portion of the reporter's salary based on the proportion of the total number of criminal actions commenced in the district court or courts in the district and the amount appropriated for that purpose. Each county shall pay its portion of the remainder of the salary based on its proportion of the total number of civil and criminal actions commenced in the district courts in the district. The judge or judges of the district shall, on January 1 of each year or as soon thereafter as possible, apportion the amount of the salary to be paid by each county in his or their district on the basis prescribed in this subsection. The portion of the salary payable by a county is a district



1 court-expense-within-the-meaning-of-7-6-2351,7-6-2352,--and  
2 7-6-2511.

3 (3)--In-judicial--districts--comprising--more--than--one  
4 county,--the-reporter-is-allowed,--in-addition-to--the--salary  
5 and--fees--provided--for--in--subsection-(1),--his-actual-and  
6 necessary--travel--expenses,--as--defined--and--provided--in  
7 2-18-501-through-2-18-503,--when-he-goes-on-official-business  
8 to-a-county-of-his-judicial-district-other-than--the--county  
9 in--which--he--resides,--from-the-time-he-leaves-his-place-of  
10 residence--until--he--returns.---The---expenses---shall---be  
11 apportioned--and--payable--in--the--same--way--as--the--salary.  
12 (Terminates-June-30,1991--sec.47-Ch.6407-Br-1989.)

13 43-5-602.---(Effective-July-1,1991)--Salary-and--expenses  
14 ---apportionment.-(1)--Each-reporter-is-entitled-to-receive-a  
15 base--annual--salary--of--not-less-than-\$23,000-or-more-than  
16 \$30,000-and-no-other--compensation--except--as--provided--in  
17 3-5-604.---The-salary-shall must be-set-by-the-judge-for-whom  
18 the--reporter--works.---The--salary--is--payable--in--monthly  
19 installments-out--of--the--general--funds--of--the--counties  
20 comprising--the-district-for-which-the-reporter-is-appointed  
21 and-out-of--an--appropriation--made--to--the--department--of  
22 commerce-as-provided-in-subsection-(2).

23 (2)--The--department--of--commerce--shall--determine--the  
24 total-number-of-civil-and-criminal-actions-commenced-in--the  
25 preceding--year--in--the--district--court--or--courts--in--the

1 judicial-district-for-which-a--reporter--is--appointed.---The  
2 state--shall--pay-its-portion-of-the-reporter's-salary-based  
3 on-the-proportion-of-the-total-number--of--criminal--actions  
4 commenced--in--the--district-court-or-courts--in--the-district  
5 and-the-amount-appropriated-for--that--purpose.---Each--county  
6 shall--pay--its-portion-of-the-remainder-of-the-salary-based  
7 on-its-proportion-of-the-total-number-of-civil-and--criminal  
8 actions--commenced--in--the-district-courts--in--the-district.  
9 The-judge-or-judges-of-the-district-shall,--on-January--1--of  
10 each--year--or-as-soon-thereafter-as-possible,--apportion-the  
11 amount-of-the-salary-to-be-paid-by-each--county--in--his--or  
12 their--district--on-the-basis-prescribed-in-this-subsection.  
13 The-portion-of-the-salary-payable-by-a-county-is-a--district  
14 court--expense--within-the-meaning-of-~~(section-5)~~7-6-2351,  
15 7-6-2352,--and-7-6-2511.

16 (3)--In-judicial--districts--comprising--more--than--one  
17 county,--the--reporter-is-allowed,--in-addition-to-the-salary  
18 and-fees-provided-for-in--subsection--(1),--his--actual--and  
19 necessary--travel--expenses,--as--defined--and--provided--in  
20 2-18-501-through-2-18-503,--when-he-goes-on-official-business  
21 to--a--county-of-his-judicial-district-other-than-the-county  
22 in-which-he-resides,--from-the-time-he-leaves--his--place--of  
23 residence--until--he--returns-thereto.---The-expenses-shall-be  
24 are apportioned-and-payable-in-the-same-way-as-the-salary. "

25 Section-2,--Section-3-5-604,--MEA7-is-amended-to-read:

1       ~~3-5-604. Transcript of proceedings. (1) Each reporter~~  
 2 ~~must shall furnish, upon request, with all reasonable~~  
 3 ~~diligence, to a party or his attorney in a case in which he~~  
 4 ~~has attended the trial or hearing a transcript from his~~  
 5 ~~stenographic notes of the testimony and proceedings of the~~  
 6 ~~trial or hearing or a part thereof of the trial or hearing,~~  
 7 ~~upon payment by the person requiring the same transcript of~~  
 8 ~~\$2 per page for the original transcript, 50 cents per page~~  
 9 ~~for the first copy, and 25 cents per page for each~~  
 10 ~~additional copy.~~

11       ~~(2) If the county attorney, attorney general, or judge~~  
 12 ~~requires a transcript in a criminal case, the reporter is~~  
 13 ~~entitled to his fees therefor for the transcript, but he~~  
 14 ~~must furnish it. Upon furnishing it, he shall receive a~~  
 15 ~~certificate for the sum to which he is entitled. The~~  
 16 ~~reporter shall submit the certificate to the department of~~  
 17 ~~commerce which that, in accordance with 3-5-902, is~~  
 18 ~~responsible for the prompt payment of all or a portion of~~  
 19 ~~the amount due the reporter. If the department, in~~  
 20 ~~accordance with 3-5-902, pays none or only a portion of the~~  
 21 ~~amount due, the county shall pay the balance upon receipt of~~  
 22 ~~a statement from the reporter.~~

23       ~~(3) If the judge requires a copy in a civil case to~~  
 24 ~~assist him in rendering a decision, the reporter must~~  
 25 ~~furnish the same copy without charge therefor. In civil~~

1       ~~cases, all transcripts required by the county shall must be~~  
 2 ~~furnished, and only the reporter's actual costs of~~  
 3 ~~preparation may be paid by the county.~~

4       ~~(4) If it appears to the judge that a defendant in a~~  
 5 ~~criminal case is unable to pay for a transcript, it shall~~  
 6 ~~must be furnished to him and paid for by the state in the~~  
 7 ~~manner provided in subsection (2) to the extent funds are~~  
 8 ~~available. The county shall pay the remainder as required in~~  
 9 ~~3-5-901.~~

10       ~~Section 3, Section 3-5-901, MCA, is amended to read:~~

11       ~~3-5-901. State assumption of certain district court~~  
 12 ~~expenses state funding after expenditure of county~~  
 13 ~~district court funds. (1) Effective July 1, 1905, the The~~  
 14 ~~state shall, to the extent that money is appropriated, fund:~~

15       ~~(a) the following district court expenses in criminal~~  
 16 ~~cases only:~~

- 17       ~~(a) (i) salaries of court reporters;~~
- 18       ~~(b) (ii) transcripts of proceedings;~~
- 19       ~~(c) (iii) witness fees and necessary expenses;~~
- 20       ~~(d) (iv) juror fees;~~
- 21       ~~(e) (v) indigent defense; and~~
- 22       ~~(f) (vi) psychiatric examinations;~~

23       ~~(b) the following youth court expenses only:~~

24       ~~(i) court costs and other expenses set forth in~~  
 25 ~~4-5-207.~~

1 ~~(ii) salaries, fringe benefits, and expenses of chief~~  
 2 ~~probation officers and deputy probation officers as set~~  
 3 ~~forth in 41-5-704 and 41-5-705,~~  
 4 ~~(iii) salaries and fringe benefits of support staff~~  
 5 ~~working under direct supervision of chief probation~~  
 6 ~~officers; and~~  
 7 ~~(iv) reasonable and ordinary expenses for office~~  
 8 ~~supplies and for telephone, office equipment, postage,~~  
 9 ~~printing, duplicating, photocopy, and facsimile costs; and~~  
 10 ~~(e) all district court expenses remaining after county~~  
 11 ~~district court funds have been expended as provided in~~  
 12 ~~section 5;~~  
 13 (2) The department of commerce, in consultation with  
 14 the district judges for each judicial district, shall  
 15 include within the department's biennial budget request to  
 16 the legislature a request for funding the expenses listed in  
 17 subsection (1);  
 18 (3) (a) If money appropriated for the expenses listed  
 19 in subsection (1):  
 20 (i) exceeds the amount necessary to fully fund those  
 21 expenses, the excess amount must be used for district court  
 22 grants as provided in 7-6-2352; or  
 23 (ii) is insufficient to fully fund those expenses, the  
 24 county is responsible for payment of the balance;  
 25 (b) if no money is appropriated, the county is

1 responsible for payment of all expenses;"  
 2 Section 4. Section 3-5-902, MCA, is amended to read:  
 3 "3-5-902. Fiscal administration for payment of court  
 4 expenses. The department of commerce shall:  
 5 (1) establish procedures for disbursement of funds for  
 6 payment of district court expenses listed in 3-5-901;  
 7 including prorating of those funds if they are insufficient  
 8 to cover all expenses listed in 3-5-901;  
 9 (2) develop a uniform accounting system for use by the  
 10 counties in reporting court expenses at a detailed level for  
 11 budgeting and auditing purposes; and  
 12 (3) provide for annual auditing of district court  
 13 expenses to assure normal operations and consistency in  
 14 reporting of expenditures;"  
 15 NEW SECTION. Section 5. State payment of certain  
 16 expenses of district courts. Local expenditure of maximum  
 17 available funds. (1) The department of commerce  
 18 shall pay certain expenses for the operation of district  
 19 courts as provided in this section:  
 20 (2) The governing body of a county may apply to the  
 21 department of commerce for payment of district court  
 22 expenses for the previous fiscal year by filing a written  
 23 request on forms provided by the department by July 20. The  
 24 department may grant a time extension upon request of the  
 25 county. In its application for reimbursement, a county shall

1 certify that:

2 (a) all expenditures from the district court fund have  
3 been lawfully made;

4 (b) transfers from the district court fund have not  
5 been or will not be made to any other fund; and

6 (c) expenditures have not been made from the district  
7 court fund that are not specifically authorized by 7-6-2511  
8 and 7-6-2351;

9 (3) The department of commerce shall reimburse a county  
10 for all district court expenditures for the previous fiscal  
11 year that exceeded the sum of:

12 (a) property tax revenue received by the county  
13 pursuant to its levy of the maximum mill levy for district  
14 court purposes. The maximum mill levy for district court  
15 expenses is the applicable number of mills set forth in  
16 7-6-2511 or the amount that equals or exceeds the revenue  
17 that would have been received from a levy of the maximum  
18 number of mills set forth in 7-6-2511;

19 (b) all other revenues, except state district court  
20 reimbursement payments made pursuant to this section,  
21 required by law to be deposited in the district court fund  
22 for the previous fiscal year;

23 (4) District court expenditures reimbursable by the  
24 state include all costs of the county associated with the  
25 operation and maintenance of the district court, from

1 whatever fund paid, except costs for building and capital  
2 items and library maintenance, replacement, and acquisition;

3 (5) The department of commerce shall notify each county  
4 that applied for state reimbursement payments as soon as  
5 possible of the amount of the state payment;

6 (6) The state reimbursement payment received by the  
7 county must be placed in the district court fund;

8 (7) After all reimbursement payments are made, the  
9 department of commerce shall audit each state payment. The  
10 department shall charge each county receiving a state  
11 reimbursement payment an audit fee in the amount incurred in  
12 conducting the audit;

13 (8) If the audit discloses that the county received a  
14 reimbursement payment in excess of the amount for which it  
15 was eligible, the county shall repay the excess to the  
16 department of commerce;

17 (9) The department of commerce shall prescribe rules  
18 and forms necessary to effectively administer this section.  
19 The department may require a county to provide any  
20 information considered necessary for the administration of  
21 the program;

22 NEW SECTION. Section 6. Insufficient funding. (1) If  
23 the amount of funds appropriated for the first year of the  
24 biennium is insufficient to pay district court expenses  
25 pursuant to 3-5-901 or section 5, the department of

1 commerce--is--authorized-to-spend-funds-appropriated-for-the  
2 second-fiscal-year-of-the-biennium-to--fully--fund--district  
3 court-expenses-for-the-first-fiscal-year-of-the-biennium-

4 {2)--if--the-amount-of-funds-appropriated-for-the-second  
5 fiscal-year-of-the-biennium-or-the--amount--remaining--after  
6 fully--funding--the--first--fiscal--year--of--the--biennium,  
7 whichever--the--case--may--be, is insufficient-to-pay-district  
8 court-expenses-pursuant--to--3-5-901--or--{section--5}, the  
9 department--of--commerce--shall--seek--a--supplemental  
10 appropriation--from--the--legislature--during--its--regular  
11 session--beginning--in--January--of--the--second--fiscal--year--of  
12 the--biennium--and--the--legislature--shall--appropriate--a  
13 supplemental-amount-to-fund-district-court-expenses-incurred  
14 during-the-biennium--that--remain--to--be--paid--after--the  
15 original-appropriation-has-been-spent-

16 {3}{2)--if--funds--on--hand--are--insufficient--to--pay  
17 district-court-expenses-pursuant-to-3-5-901-or-{section--5},  
18 the--department--of--commerce--may, in-its-discretion, prorate  
19 payments-to-counties-or-use-other-reasonable-means-to-ensure  
20 equitable-distribution-of-the-funds-until-full-funding--has  
21 been-obtained-

22 **Section 1.** Section 7-6-2427, MCA, is amended to read:  
23 "7-6-2427. Special provisions for certain charges  
24 related to criminal prosecutions. (1) Notwithstanding  
25 7-6-2426, all costs of a criminal prosecution, including

1 attorneys' attorney fees, of an offense committed in the  
2 state prison are not charges against the county in which the  
3 state prison is located. Such The costs shall must be paid  
4 by the department of institutions.

5 (2) If a criminal action is removed before trial, the  
6 costs accruing upon such removal and trial must be a charge  
7 against the county in which the indictment was found or  
8 information filed, subject to partial-or-total reimbursement  
9 as provided in 3-5-901."

10 Section 8--Section 7-6-2511--MCA--is amended to read:

11 "7-6-2511--County-levy-for-district-court-expenses--The  
12 governing-body-of-each-county-may-each-year-levy-and-collect  
13 a-tax-on-the-taxable-property-of-the-county-for-all-district  
14 court--costs,--except--those-listed-in-3-5-211, 3-5-213, and  
15 3-5-215--The-tax-may-not-exceed-6-mills-in-the--first--and  
16 second-class--counties,--5--mills-in-third--and-fourth-class  
17 counties,--and-4-mills-in-fifth-, sixth-,--and--seventh-class  
18 counties,--These--expenses--include--but--are-not-limited-to  
19 salary-and-benefits-for-court-clerks, court-reporters, youth  
20 probation-officers, and--other--employees--of--the--district  
21 court--"

22 Section 9--Section 41-5-704--MCA--is amended to read:

23 "41-5-704--Salary--and--expenses--(i)--A-chief-probation  
24 officer-shall-receive-for-his-services-a-salary-specified-by  
25 the-court,--depending-on-the-format-training--and--experience



1 of each respective officer, but such the salary may not be  
 2 no lower than \$17,000 a year and no or higher than \$22,000 a  
 3 year. In addition to such the salary, the court shall, on or  
 4 before July 1 of each year, adjust and fix the salary of the  
 5 chief probation officer for a cost-of-living increase by  
 6 adding to his annual salary on July 1 of that year an  
 7 increment of 7% of the last previous calendar year's  
 8 consumer price index for all urban consumers, U.S.  
 9 department of labor, bureau of labor statistics, or other  
 10 index that the bureau of business and economic research of  
 11 the university of Montana may in the future recognize as the  
 12 successor to that index. The cost-of-living increment for  
 13 the fiscal year beginning July 1 of each subsequent fiscal  
 14 year shall must be added to all cost-of-living increments  
 15 granted for previous years. The salary of such the chief  
 16 probation officer shall must be apportioned among and paid  
 17 by each of the counties in which such officer is appointed  
 18 to act, in proportion to the cost allocation established  
 19 under 41-5-104, except where such officer is appointed for  
 20 one county, such county shall pay the entire salary the  
 21 department of commerce as provided in 3-5-901.

22 (2) In addition to the compensation provided in  
 23 subsection (1), each chief probation officer with more than  
 24 5 years of service is entitled to receive an annual 13  
 25 longevity allowance. Each longevity allowance must be based

1 on the officer's current salary and begins on the officer's  
 2 annual employment anniversary date. The allowance must be  
 3 paid in equal monthly installments.

4 (3) For all authorized travel incident to his official  
 5 duties in connection with the investigation, supervision,  
 6 and transportation of youth, the chief probation officer  
 7 shall, in addition to his office salary, be reimbursed as  
 8 provided in 2-18-501 through 2-18-503.

9 Section 10. Section 46-8-201, MCA, is amended to read:  
 10 "46-8-201. Remuneration of appointed counsel. (1)  
 11 Whenever in a criminal proceeding an attorney represents or  
 12 defends any a person by order of the court on the ground  
 13 that the person is financially unable to employ counsel, the  
 14 attorney shall must be paid for his services such a sum as a  
 15 district court or justice of the state supreme court  
 16 certifies to be a reasonable compensation therefor and shall  
 17 must be reimbursed for reasonable costs incurred in the  
 18 criminal proceeding.

19 (2) The expense of implementing subsection (1) is  
 20 chargeable as provided in 3-5-901 to the county in which the  
 21 proceeding arose, the department of commerce, or both,  
 22 except that:

23 (a) in proceedings solely involving the violation of a  
 24 city ordinance or state statute prosecuted in a municipal or  
 25 city court, the expense is chargeable to the city or town in

1 which the proceeding arose, and  
 2 (b) when there has been an arrest by agents of the  
 3 department of fish, wildlife, and parks or agents of the  
 4 department of justice and the charge is prosecuted by  
 5 personnel of the state agency that made the charge, the  
 6 expense must be borne by the prosecuting state agency."

7 Section 11. Section 46-8-202, MCA, is amended to read:  
 8 "46-8-202. Public defender's office. Any A county  
 9 through its board of county commissioners may provide for  
 10 the creation of a public defender's office and the  
 11 appointment of a salaried public defender and such assistant  
 12 public defenders as may be necessary to satisfy the legal  
 13 requirements in providing counsel for defendants unable to  
 14 employ counsel. The costs of such the office shall must be  
 15 at state expense payable according to procedures established  
 16 under 3-5-902(1) and, to the extent those costs are not paid  
 17 by the state, at county expense in accordance with  
 18 3-5-901(3) and 3-5-902(1)."

19 **SECTION 12. SECTION 61-3-321, MCA, IS AMENDED TO READ:**

20 "61-3-321. Registration fees of vehicles. Public  
 21 owned vehicles exempt from license or registration  
 22 fees. Disposition of fees. (1) Registration or license  
 23 fees must be paid upon registration or reregistration of  
 24 motor vehicles, trailers, house trailers, and semitrailers,  
 25 in accordance with this chapter, as follows:

- 1 (a) motor vehicles weighing 2,850 pounds or under
- 2 (other than motor trucks), \$5 ~~\$8~~;
- 3 (b) motor vehicles weighing over 2,850 pounds (other
- 4 than motor trucks), \$10 ~~\$13~~;
- 5 (c) electrically driven passenger vehicles, \$10;
- 6 (d) all motorcycles and quadricycles, \$2 ~~\$5~~;
- 7 (e) tractors and/or trucks, \$10;
- 8 (f) buses are classed as motor trucks and licensed
- 9 accordingly;
- 10 (g) trailers and semitrailers less than 2,500 pounds
- 11 maximum gross loaded weight and house trailers of all
- 12 weights, \$2 ~~\$5~~;
- 13 (h) trailers and semitrailers over 2,500 up to 6,000
- 14 pounds maximum gross loaded weight (except house trailers),
- 15 \$5;
- 16 (i) trailers and semitrailers over 6,000 pounds maximum
- 17 gross loaded weight, \$10;
- 18 (j) trailers used exclusively in the transportation of
- 19 logs in the forest or in the transportation of oil and gas
- 20 well machinery, road machinery, or bridge materials, new and
- 21 secondhand, \$15 annually, regardless of size or capacity;
- 22 (2) All rates are 25% higher for motor vehicles,
- 23 trailers, and semitrailers not equipped with pneumatic
- 24 tires;
- 25 (3) "Tractor" as specified in this section means any

1 motor-vehicle, except passenger cars, used for towing a  
2 trailer or semitrailer.

3 (4) If any motor vehicle, house trailer, trailer, or  
4 semitrailer is originally registered 6 months after the time  
5 of registration as set by law, the registration or license  
6 fee for the remainder of the year is one-half of the regular  
7 fee.

8 (5) An additional fee of \$5.25 per year for each  
9 registration of a vehicle must be collected as a  
10 registration fee. Revenue from this fee must be forwarded by  
11 the respective county treasurers to the state treasurer for  
12 deposit in the general fund. The department of justice shall  
13 distribute 25 cents from each fee collected to the highway  
14 patrol retirement fund.

15 (6) A fee of \$2 for each set of new number plates must  
16 be collected when number plates provided for under  
17 61-3-332(3) are issued. Revenue from this fee must be  
18 deposited as provided in subsection (5).

19 (7) The provisions of this part with respect to the  
20 payment of registration fees do not apply to and are not  
21 binding upon motor vehicles, trailers or semitrailers, or  
22 tractors owned or controlled by the United States of America  
23 or any state, county, or city.

24 (8) The provisions of this section relating to the  
25 payment of registration fees or new number plate fees do not

1 apply when number plates are transferred to a replacement  
2 vehicle under 61-3-317, 61-3-332, or 61-3-335.

3 (9) The county treasurer shall deduct \$3 as a district  
4 court fee from the fee collected in subsections (1)(a),  
5 (1)(b), (1)(d), and (1)(g). The county treasurer shall  
6 credit the fee for district courts to a separate suspense  
7 account and shall forward the amount in the account to the  
8 state treasurer at the time the county treasurer distributes  
9 the motor vehicle suspend fund. The state treasurer shall  
10 credit that amount to the general fund to be used for  
11 purposes of state funding of district court expenses as  
12 provided in 3-5-901 and (section 5)."

13 **SECTION 13. SECTION 61-3-325, MCA, IS AMENDED TO READ:**

14 "61-3-325. Vehicles subject to staggered registration  
15 fees and taxes disposition. (1) Any motor vehicle in  
16 the fleet that is subject to staggered registration under  
17 61-3-313 through 61-3-316 may be registered as part of the  
18 fleet on the following fleet renewal date. The department of  
19 highways shall collect the remaining fees and taxes due for  
20 the registration year after crediting the registrant for the  
21 period that was previously paid.

22 (2) (a) The department of highways shall compute fees  
23 and taxes due on each motor vehicle in the fleet as provided  
24 in part 5 of this chapter, based on its domicile.

25 (b) The department of highways shall also collect a

1 registration-fee-of-\$7.50-for--each--motor--vehicle--in--the  
 2 fleet--in--lieu--of--the--registration--fee--provided--for--in  
 3 61-3-321. The--department--shall--retain--\$4.50--of--each  
 4 registration--fee--for--administrative--costs--and--forward--the  
 5 remaining--\$3--to--the--state--treasurer--for--deposit--in--the  
 6 general--fund--in--lieu--of--the--fee--provided--in--61-3-321(5). The  
 7 department--of--highways--shall--deduct--the--\$3--district--court  
 8 fee--on--applicable--vehicle--registration--fees--as--provided--in  
 9 61-3-321(9)--and--forward--that--amount--to--the--state--treasurer  
 10 who--shall--credit--that--amount--to--the--general--fund--to--be--used  
 11 for--the--purposes--of--state--funding--of--district--court--expenses  
 12 as--provided--in--3-5-901--and--(section--5)7

13 (c)--All--fees--and--taxes--must--be--paid--no--later--than  
 14 February--15--each--year.

15 (d)--The--fees--and--taxes--collected--must--be--distributed--by  
 16 the--department--of--highways--as--provided--in--61-3-321--and--part  
 17 5--of--this--chapter,--based--on--the--domicile--of--each--motor  
 18 vehicle.7

19 Section--147--Section--61-3-5097-MEA7--is--amended--to--read:  
 20 "61-3-5097--Disposition--of--taxes:--(1)--Except--as--provided  
 21 in--subsection--(2)7--the--county--treasurer--shall7--after  
 22 deducting--the--district--court--fee7--credit--all--taxes--on--motor  
 23 vehicles--and--fees--in--lieu--of--tax--on--motor--homes7--travel  
 24 trailers7--and--campers--collected--under--61-3-50477--61-3-5217  
 25 and--61-3-537--to--a--motor--vehicle--suspense--fund7--and--at--some

1 time--between--March--1--and--March--10--of--each--year--and--every--60  
 2 days--thereafter,--the--county--treasurer--shall--distribute--the  
 3 money--in--the--motor--vehicle--suspense--fund--in--the--relative  
 4 proportions--required--by--the--levies--for--state,--county,--school  
 5 district,--and--municipal--purposes--in--the--same--manner--as  
 6 personal--property--taxes--are--distributed;

7 (2)--The--county--treasurer--shall--deduct--as--a--district  
 8 court--fee--7%--of--the--amount--of--the--2%--tax--collected--on--an  
 9 automobile--or--truck--having--a--rated--capacity--of  
 10 three--quarters--of--a--ton--or--less. The--county--treasurer--shall  
 11 credit--the--fee--for--district--courts--to--a--separate--suspense  
 12 account--and--shall--forward--the--amount--in--the--account--to--the  
 13 state--treasurer--at--the--time--the--county--treasurer--distributes  
 14 the--motor--vehicle--suspense--fund. The--state--treasurer--shall  
 15 credit--amounts--received--under--this--subsection--to--the--general  
 16 fund--to--be--used--for--purposes--of--state--funding--of--the  
 17 district--court--expenses--as--provided--in--3-5-901--and--(section  
 18 5)7. Any--amount--forwarded--to--the--state--treasurer--under--this  
 19 subsection--that--is--not--used--for--district--court--expenses--must  
 20 be--refunded--to--the--counties--in--the--proportion--that--the  
 21 amount--collected--from--each--county--bears--to--the--total--amount  
 22 collected. ANY--AMOUNT--FORWARDED--TO--THE--STATE--TREASURER--UNDER  
 23 THIS--SUBSECTION--THAT--IS--NOT--USED--FOR--DISTRICT--COURT--EXPENSES  
 24 MUST--BE--REFUNDED--TO--THE--COUNTIES--IN--THE--PROPORTION--THAT--THE  
 25 AMOUNT--COLLECTED--FROM--EACH--COUNTY--BEARS--TO--THE--TOTAL--AMOUNT

1 ~~COLLECTED.~~

2 ~~NEW SECTION. Section 13. Appropriation. The following~~  
3 ~~is appropriated to the department of commerce for state~~  
4 ~~payments set forth in 3-5-901 and for state reimbursements~~  
5 ~~set forth in {section 5}:~~

6 ~~{1} Vehicle license fee money collected under 61-3-509~~  
7 ~~and deposited in the general fund for funding district~~  
8 ~~courts is appropriated from the general fund to the~~  
9 ~~department of commerce:~~

10 ~~{a} for the fiscal year beginning June 30, 1991, in the~~  
11 ~~amount of \$27,800,000;~~

12 ~~{b} for the fiscal year beginning June 30, 1992, in the~~  
13 ~~amount of \$27,900,000.~~

14 ~~{2} Money from the general fund is appropriated to the~~  
15 ~~department of commerce for each of the fiscal years of the~~  
16 ~~biennium in an annual amount of \$2,500,000.~~

17 ~~NEW SECTION. SECTION 15. STATE BAR OF MONTANA. STUDY~~  
18 ~~OF FUNDING ALTERNATIVES. THE STATE BAR OF MONTANA CONDUCTED~~  
19 ~~A STUDY THAT RESULTED IN THE ENACTMENT OF THE SUBSTANTIVE~~  
20 ~~PORTIONS OF {THIS ACT}, BUT RECOMMENDED NO SOURCE OF FUNDING~~  
21 ~~OTHER THAN AN APPROPRIATION FROM THE STATE GENERAL FUND. THE~~  
22 ~~STATE BAR IS REQUESTED TO CONTINUE THE STUDY AND RECOMMEND A~~  
23 ~~METHOD OF FUNDING THE SUBSTANTIVE PORTIONS OF {THIS ACT} TO~~  
24 ~~THE 53RD LEGISLATURE. THE STATE BAR SHOULD CONSIDER:~~

25 ~~{1} THE DEPOSIT OF ALL OR A PORTION OF PUNITIVE DAMAGE~~

1 ~~AWARDS INTO THE REIMBURSEMENT FUND;~~

2 ~~{2} THE DEPOSIT OF PREJUDGMENT INTEREST INTO THE~~  
3 ~~REIMBURSEMENT FUND;~~

4 ~~{3} INCREASING THE CONTROL AND SUPERVISION OVER~~  
5 ~~DISTRICT COURT BUDGETS;~~

6 ~~{4} DEPOSIT OF INCREASED FILING AND JUDGMENT FEES INTO~~  
7 ~~THE REIMBURSEMENT FUND; AND~~

8 ~~{5} ANY OTHER MATTER IT CONSIDERS GERMANE TO THE~~  
9 ~~FINANCING AND FISCAL ADMINISTRATION OF STATE DISTRICT~~  
10 ~~COURTS;~~

11 ~~NEW SECTION. Section 16. Repealer. Sections 7-6-2352~~  
12 ~~and 41-5-1047, MCA, are repealed.~~

13 **SECTION 2. SECTION 61-3-537, MCA, IS AMENDED TO READ:**

14 "61-3-537. Local option vehicle tax. (1) A county may  
15 impose a local vehicle tax on vehicles subject to a property  
16 tax under 61-3-504(2) at a rate of up to 0.5% of the value  
17 determined under 61-3-503, in addition to the tax imposed  
18 under 61-3-504(2).

19 (2) A local vehicle tax is payable at the same time and  
20 in the same manner as the tax imposed under 61-3-504(2), and  
21 The local vehicle tax is distributed in the same manner,  
22 based on the registration address of the owner of the motor  
23 vehicle determined by the governing body of the county.

24 (3) The governing body of a county may impose a local  
25 vehicle tax for a fiscal year by adopting a resolution

1 before July 1 of the fiscal year, after conducting a public  
2 hearing on the proposed resolution. The resolution may  
3 provide for the distribution of the local vehicle tax."

4 NEW SECTION. Section 3. Effective date --  
5 applicability. [This act] is effective July 1, 1991, and  
6 applies to district court expenditures made after June 30,  
7 1991.

8 NEW SECTION. SECTION 4. TERMINATION. [THIS ACT]  
9 TERMINATES JUNE 30, 1993.

-End-

SENATE STANDING COMMITTEE REPORT

Page 2 of 2  
March 13, 1991

Page 1 of 2  
March 13, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 311 (third reading copy -- blue), respectfully report that House Bill No. 311 be amended and as amended be concurred in.

1. Title, line 5.

Following: "FORFEITURES"

Insert: "COLLECTED BY JUSTICES' COURTS"

2. Title, line 6.

Strike: "ACCOUNTS USED TO COMBAT DRUG CRIMES"

Insert: "THE DRUG FORFEITURE ACCOUNT; CLARIFYING DISTRIBUTION OF MONEY COLLECTED BY DISTRICT COURTS AND JUSTICES' COURTS"

3. Page 2, lines 24 and 25.

Following: "court" on line 24

Strike: remainder of line 24 through "court," on line 25

4. Page 3, line 2.

Following: "paid"

Insert: ":

(1) by a district court"

5. Page 3, line 5.

Strike: "(1)"

Insert: "(a)"

6. Page 3, line 10.

Strike: "(2)"

Insert: "(b)"

7. Page 3, line 11.

Strike: "district or justice's"

8. Page 3, line 16.

Strike: "(3)"

Insert: "(c)"

9. Page 3, lines 17 through 19.

Following: "collected" on line 17

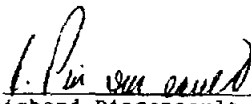
Strike: remainder of line 17 through "3-10-601," on line 19

10. Page 3, line 22.

Strike: "."

Insert: "; and

(2) by a justice's court pursuant to 3-10-601."

Signed:   
Richard Pinsonault, Chairman

*3-13-91*  
Ad. Coord.

*SB 3-13 12:50*  
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
April 12, 1991

MR. PRESIDENT:

We, your committee on Taxation having had under consideration House Bill No. 312 (third reading copy -- blue), respectfully report that House Bill No. 312 be amended and as so amended be concurred in:

1. Title, line 15.

Strike: "USE ALL"

Insert: "A PORTION"

Strike: "VEHICLE OPTION"

Insert: "OPTION VEHICLE"

2. Title, line 16.

Following: "PURPOSES;"

Insert: "TO PROVIDE FOR THE DISTRIBUTION OF A PORTION OF THE TAX TO THE COUNTY AND MUNICIPALITIES."

3. Page 22, lines 21 through 23.

Strike: "in" on line 21 through "county" on line 23

Insert: "as follows:

(a) 50% to the county; and

(b) the remaining 50% to the county and the incorporated cities and towns within the county, apportioned on the basis of population. The distribution to a city or town is determined by multiplying the amount of money available by the ratio of the population of the city or town to the total county population. The distribution to the county is determined by multiplying the amount of money available by the ratio of the population of unincorporated areas within the county to the total county population."

Signed: \_\_\_\_\_

  
Mike Halligan, Chairman

ML 4-12-91  
Amd. Coord.

B 4-12-91 3:00  
Sec. of Senate

SENATE  
HB 312

781432SC.Sji

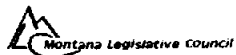


## HOUSE BILL NO. 312

INTRODUCED BY HOFFMAN, MAZUREK, DOHERTY, STRIZICH, NISBET

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO ASSUME STATE FUNDING OF JUDICIAL COURT EXPENSES, JUVENILE PROBATION OFFICERS' SALARIES, AND OTHER JUVENILE PROBATION EXPENSES, TO PROVIDE STATE REIMBURSEMENT PAYMENTS FOR DISTRICT COURT EXPENSES TO COUNTIES THAT HAVE EXPENDED THE REVENUE FROM THE MAXIMUM PERMISSIBLE MILL LEVY FOR DISTRICT COURT FUNDING; TO PROVIDE AN APPROPRIATION FOR INCREASE THE REGISTRATION FEES FOR AUTOMOBILES, LIGHT TRUCKS, MOTORCYCLES, QUADRICYCLES, AND LIGHT TRAILERS BY \$3 TO FUND STATE PAYMENTS AND REIMBURSEMENTS, TO PROVIDE FOR A STUDY OF FUNDING ALTERNATIVES BY THE STATE BAR OF MONTANA, AUTHORIZE THE COUNTY COMMISSIONERS TO USE ALL A PORTION OF THE LOCAL VEHICLE OPTION OPTION VEHICLE TAX FOR COUNTY PURPOSES; TO PROVIDE FOR THE DISTRIBUTION OF A PORTION OF THE TAX TO THE COUNTY AND MUNICIPALITIES; AMENDING SECTIONS 3-5-602, 3-5-604, 3-5-901, 3-5-902, 7-6-2427, 7-6-2511, 41-5-704, 46-8-201, 46-8-202, 61-3-321, 61-3-325, AND 61-3-509 61-3-537, MCA; REPEALING SECTIONS 7-6-2352 AND 41-5-104 MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE, AND A TERMINATION DATE."~~

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



Section 1, Section 3-5-602, MCA, is amended to read:

"3-5-602. (Temporary) Salary and expenses apportionment. (1) Each reporter is entitled to receive a base annual salary of not less than \$23,000 or more than \$25,000 and no other compensation except as provided in 3-5-604. The salary shall be set by the judge for whom the reporter works. The salary is payable in monthly installments out of the general funds of the counties comprising the district for which the reporter is appointed and out of an appropriation made to the department of commerce as provided in subsection (2).

(2) The department of commerce shall determine the total number of civil and criminal actions commenced in the preceding year in the district court or courts in the judicial district for which a reporter is appointed. The state shall pay its portion of the reporter's salary based on the proportion of the total number of criminal actions commenced in the district court or courts in the district and the amount appropriated for that purpose. Each county shall pay its portion of the remainder of the salary based on its proportion of the total number of civil and criminal actions commenced in the district courts in the district. The judge or judges of the district shall, on January 1 of each year or as soon thereafter as possible, apportion the amount of the salary to be paid by each county in his or

1 their-district-on-the-basis-prescribed-in--this--subsection-  
2 The--portion-of-the-salary-payable-by-a-county-is-a-district  
3 court-expense-within-the-meaning-of-7-6-2351,7-6-2352,--and  
4 7-6-2511;

5 (3)--in--judicial--districts--comprising--more--than--one  
6 county,--the-reporter-is-allowed,--in--addition--to--the--salary  
7 and--fees--provided--for--in--subsection--(1),--his--actual--and  
8 necessary--travel--expenses,--as--defined--and--provided--in  
9 2-18-501--through--2-18-503,--when--he--goes--on--official--business  
10 to--a--county--of--his--judicial--district--other--than--the--county  
11 in--which--he--resides,--from--the--time--he--leaves--his--place--of  
12 residence--until--he--returns,--The--expenses--shall--be  
13 apportioned--and--payable--in--the--same--way--as--the--salary--  
14 (Terminates--June--30,--1991--sec--47--Ch--640--L--1989.)

15 43-5-602--(Effective--July--1,--1991)--Salary--and--expenses  
16 --apportionment:--(1)--Each--reporter--is--entitled--to--receive--a  
17 base--annual--salary--of--not--less--than--\$23,000--or--more--than  
18 \$30,000--and--no--other--compensation--except--as--provided--in  
19 3-5-604.--The--salary--shall--must--be--set--by--the--judge--for--whom  
20 the--reporter--works.--The--salary--is--payable--in--monthly  
21 installments--out--of--the--general--funds--of--the--counties  
22 comprising--the--district--for--which--the--reporter--is--appointed  
23 and--out--of--an--appropriation--made--to--the--department--of  
24 commerce--as--provided--in--subsection--(2);

25 (2)--The--department--of--commerce--shall--determine--the

1 total-number-of-civil-and-criminal-actions-commenced-in--the  
2 preceding--year--in--the--district--court--or--courts--in--the  
3 judicial--district--for--which--a--reporter--is--appointed,--The  
4 state--shall--pay--its--portion--of--the--reporter's--salary--based  
5 on--the--proportion--of--the--total--number--of--criminal--actions  
6 commenced--in--the--district--court--or--courts--in--the--district  
7 and--the--amount--appropriated--for--that--purpose,--Each--county  
8 shall--pay--its--portion--of--the--remainder--of--the--salary--based  
9 on--its--proportion--of--the--total--number--of--civil--and--criminal  
10 actions--commenced--in--the--district--courts--in--the--district.  
11 The--judge--or--judges--of--the--district--shall,--on--January--1--of  
12 each--year--or--as--soon--thereafter--as--possible,--apportion--the  
13 amount--of--the--salary--to--be--paid--by--each--county--in--his--or  
14 their--district--on--the--basis--prescribed--in--this--subsection.  
15 The--portion--of--the--salary--payable--by--a--county--is--a--district  
16 court--expense--within--the--meaning--of--(section--5),--7-6-2351,  
17 7-6-2352,--and--7-6-2511;

18 (3)--in--judicial--districts--comprising--more--than--one  
19 county,--the--reporter--is--allowed,--in--addition--to--the--salary  
20 and--fees--provided--for--in--subsection--(1),--his--actual--and  
21 necessary--travel--expenses,--as--defined--and--provided--in  
22 2-18-501--through--2-18-503,--when--he--goes--on--official--business  
23 to--a--county--of--his--judicial--district--other--than--the--county  
24 in--which--he--resides,--from--the--time--he--leaves--his--place--of  
25 residence--until--he--returns--thereto,--The--expenses--shall--be

1 are apportioned and payable in the same way as the salary;  
 2 Section 2, Section 3-5-604, MCA, is amended to read:  
 3 "3-5-604. Transcript of proceedings: (1) Each reporter  
 4 must shall furnish, upon request, with all reasonable  
 5 diligence, to a party or his attorney in a case in which he  
 6 has attended the trial or hearing a transcript from his  
 7 stenographic notes of the testimony and proceedings of the  
 8 trial or hearing or a part thereof of the trial or hearing,  
 9 upon payment by the person requiring the same transcript of  
 10 \$2 per page for the original transcript, 50 cents per page  
 11 for the first copy, and 25 cents per page for each  
 12 additional copy.  
 13 (2) If the county attorney, attorney general, or judge  
 14 requires a transcript in a criminal case, the reporter is  
 15 entitled to his fees therefor for the transcript, but he  
 16 must furnish it. Upon furnishing it, he shall receive a  
 17 certificate for the sum to which he is entitled. The  
 18 reporter shall submit the certificate to the department of  
 19 commerce which that, in accordance with 3-5-902, is  
 20 responsible for the prompt payment of all or a portion of  
 21 the amount due the reporter. If the department, in  
 22 accordance with 3-5-902, pays none or only a portion of the  
 23 amount due, the county shall pay the balance upon receipt of  
 24 a statement from the reporter.  
 25 (3) If the judge requires a copy in a civil case to

1 assist him in rendering a decision, the reporter must  
 2 furnish the same copy without charge therefor. In civil  
 3 cases, all transcripts required by the county shall must be  
 4 furnished, and only the reporter's actual costs of  
 5 preparation may be paid by the county.  
 6 (4) If it appears to the judge that a defendant in a  
 7 criminal case is unable to pay for a transcript, it shall  
 8 must be furnished to him and paid for by the state in the  
 9 manner provided in subsection (2) to the extent funds are  
 10 available. The county shall pay the remainder as required in  
 11 3-5-901.  
 12 Section 3, Section 3-5-901, MCA, is amended to read:  
 13 "3-5-901. State assumption of certain district court  
 14 expenses state funding after expenditure of county  
 15 district court funds; (1) Effective July 1, 1985, the  
 16 state shall, to the extent that money is appropriated, fund  
 17 (a) the following district court expenses in criminal  
 18 cases only:  
 19 (a)(i) salaries of court reporters;  
 20 (b)(ii) transcripts of proceedings;  
 21 (c)(iii) witness fees and necessary expenses;  
 22 (d)(iv) juror fees;  
 23 (e)(v) indigent defense; and  
 24 (f)(vi) psychiatric examinations;  
 25 (b) the following youth court expenses only:

1 ~~{i}--court---costs--and--other--expenses--set--forth--in~~  
2 ~~41-5-207;~~  
3 ~~{ii}--salaries,--fringe--benefits,--and--expenses--of--chief~~  
4 ~~probation--officers--and--deputy--probation--officers--as--set~~  
5 ~~forth--in--41-5-704--and--41-5-705;~~  
6 ~~{iii}--salaries--and--fringe--benefits--of--support--staff~~  
7 ~~working---under---direct---supervision--of--chief--probation~~  
8 ~~officers;--and~~  
9 ~~{iv}--reasonable--and--ordinary---expenses---for---office~~  
10 ~~supplies--and--for--telephone,--office--equipment,--postage,~~  
11 ~~printing,--duplicating,--photocopy,--and--facsimile--costs;--and~~  
12 ~~{c}--all--district--court--expenses--remaining--after--county~~  
13 ~~district--court--funds--have--been--expended--as--provided--in~~  
14 ~~{section-5};~~  
15 {2}--The--department--of--commerce,--in--consultation--with  
16 the--district--judges--for--each--judicial--district,--shall  
17 include--within--the--department's--biennial--budget--request--to  
18 the--legislature--a--request--for--funding--the--expenses--listed--in  
19 subsection--(1);  
20 {3}--(a)--If--money--appropriated--for--the--expenses--listed  
21 in--subsection--(1);  
22 {i}--exceeds--the--amount--necessary--to--fully--fund--those  
23 expenses,--the--excess--amount--must--be--used--for--district--court  
24 grants--as--provided--in--7-6-2352;--or  
25 {ii}--is--insufficient--to--fully--fund--those--expenses,--the

1 county--is--responsible--for--payment--of--the--balance;  
2 {b}--If--no--money--is--appropriated,--the--county--is  
3 responsible--for--payment--of--all--expenses;"  
4 Section--4,--Section--3-5-902,--MCA,--is--amended--to--read:  
5 "3-5-902,--Fiscal--administration--for--payment--of--court  
6 expenses,--The--department--of--commerce--shall:  
7 {1}--establish--procedures--for--disbursement--of--funds--for  
8 payment--of--district--court--expenses--listed--in--3-5-901;  
9 including--prorating--of--those--funds--if--they--are--insufficient  
10 to--cover--all--expenses--listed--in--3-5-901;  
11 {2}--develop--a--uniform--accounting--system--for--use--by--the  
12 counties--in--reporting--court--expenses--at--a--detailed--level--for  
13 budgeting--and--auditing--purposes;--and  
14 {3}--provide--for--annual--auditing--of--district--court  
15 expenses--to--assure--normal--operations--and--consistency--in  
16 reporting--of--expenditures;"  
17 NEW-SECTION:--Section--5,--State---payment---of---certain  
18 expenses--of--district--courts---local--expenditure--of--maximum  
19 available--funds---rules,--(1)--The--department--of--commerce  
20 shall--pay--certain--expenses--for--the--operation--of--district  
21 courts--as--provided--in--this--section;  
22 {2}--The--governing--body--of--a--county--may--apply--to--the  
23 department--of--commerce--for--payment--of--district--court  
24 expenses--for--the--previous--fiscal--year--by--filing--a--written  
25 request--on--forms--provided--by--the--department--by--July--20. The

1 department may grant a time extension upon request of the  
 2 county; in its application for reimbursement, a county shall  
 3 certify that:

4 (a) all expenditures from the district court fund have  
 5 been lawfully made;

6 (b) transfers from the district court fund have not  
 7 been or will not be made to any other fund; and

8 (c) expenditures have not been made from the district  
 9 court fund that are not specifically authorized by 7-6-2511  
 10 and 7-6-2351;

11 (3) The department of commerce shall reimburse a county  
 12 for all district court expenditures for the previous fiscal  
 13 year that exceeded the sum of:

14 (a) property tax revenue received by the county  
 15 pursuant to its levy of the maximum mill levy for district  
 16 court purposes; The maximum mill levy for district court  
 17 expenses is the applicable number of mills set forth in  
 18 7-6-2511 or the amount that equals or exceeds the revenue  
 19 that would have been received from a levy of the maximum  
 20 number of mills set forth in 7-6-2511;

21 (b) all other revenues, except state district court  
 22 reimbursement payments made pursuant to this section,  
 23 required by law to be deposited in the district court fund  
 24 for the previous fiscal year;

25 (4) District court expenditures reimbursable by the

1 state include all costs of the county associated with the  
 2 operation and maintenance of the district court, from  
 3 whatever fund paid, except costs for building and capital  
 4 items and library maintenance, replacement, and acquisition;

5 (5) The department of commerce shall notify each county  
 6 that applied for state reimbursement payments as soon as  
 7 possible of the amount of the state payment;

8 (6) The state reimbursement payment received by the  
 9 county must be placed in the district court fund;

10 (7) After all reimbursement payments are made, the  
 11 department of commerce shall audit each state payment; The  
 12 department shall charge each county receiving a state  
 13 reimbursement payment an audit fee in the amount incurred in  
 14 conducting the audit;

15 (8) If the audit discloses that the county received a  
 16 reimbursement payment in excess of the amount for which it  
 17 was eligible, the county shall repay the excess to the  
 18 department of commerce;

19 (9) The department of commerce shall prescribe rules  
 20 and forms necessary to effectively administer this section;  
 21 The department may require a county to provide any  
 22 information considered necessary for the administration of  
 23 the program;

24 NEW SECTION: Section 6, insufficient funding; (1) If  
 25 the amount of funds appropriated for the first year of the

1 biennium is insufficient to pay district court expenses  
2 pursuant to 3-5-901 or {section 5}, the department of  
3 commerce is authorized to spend funds appropriated for the  
4 second fiscal year of the biennium to fully fund district  
5 court expenses for the first fiscal year of the biennium.

6 {2} If the amount of funds appropriated for the second  
7 fiscal year of the biennium or the amount remaining after  
8 fully funding the first fiscal year of the biennium,  
9 whichever the case may be, is insufficient to pay district  
10 court expenses pursuant to 3-5-901 or {section 5}, the  
11 department of commerce shall seek a supplemental  
12 appropriation from the legislature during its regular  
13 session beginning in January of the second fiscal year of  
14 the biennium and the legislature shall appropriate a  
15 supplemental amount to fund district court expenses incurred  
16 during the biennium that remain to be paid after the  
17 original appropriation has been spent.

18 {3}{2} If funds on hand are insufficient to pay  
19 district court expenses pursuant to 3-5-901 or {section 5},  
20 the department of commerce may, in its discretion, prorate  
21 payments to counties or use other reasonable means to ensure  
22 equitable distribution of the funds until full funding has  
23 been obtained.

24 **Section 1.** Section 7-6-2427, MCA, is amended to read:

25 "7-6-2427. Special provisions for certain charges

1 related to criminal prosecutions. (1) Notwithstanding  
2 7-6-2426, all costs of a criminal prosecution, including  
3 attorneys' attorney fees, of an offense committed in the  
4 state prison are not charges against the county in which the  
5 state prison is located. Such The costs shall must be paid  
6 by the department of institutions.

7 (2) If a criminal action is removed before trial, the  
8 costs accruing upon such removal and trial must be a charge  
9 against the county in which the indictment was found or  
10 information filed, subject to partial or total reimbursement  
11 as provided in 3-5-901."

12 Section 8. Section 7-6-2511, MCA, is amended to read:

13 "7-6-2511. County levy for district court expenses. The  
14 governing body of each county may each year levy and collect  
15 a tax on the taxable property of the county for all district  
16 court costs, except those listed in 3-5-211, 3-5-213, and  
17 3-5-215. The tax may not exceed 6 mills in the first and  
18 second class counties, 5 mills in third and fourth class  
19 counties, and 4 mills in fifth, sixth, and seventh class  
20 counties. These expenses include but are not limited to  
21 salary and benefits for court clerks, court reporters, youth  
22 probation officers, and other employees of the district  
23 court."

24 Section 9. Section 41-5-704, MCA, is amended to read:

25 "41-5-704. Salary and expenses. (1) A chief probation

1 officer shall receive for his services a salary specified by  
 2 the court, depending on the formal training and experience  
 3 of each respective officer, but such the salary may not be  
 4 no lower than \$17,000 a year and no or higher than \$22,000 a  
 5 year. In addition to such the salary, the court shall, on or  
 6 before July 1 of each year, adjust and fix the salary of the  
 7 chief probation officer for a cost of living increase by  
 8 adding to his annual salary on July 1 of that year an  
 9 increment of 70% of the last previous calendar year's  
 10 consumer price index for all urban consumers, U.S.  
 11 department of labor, bureau of labor statistics, or other  
 12 index that the bureau of business and economic research of  
 13 the university of Montana may in the future recognize as the  
 14 successor to that index. The cost of living increment for  
 15 the fiscal year beginning July 1 of each subsequent fiscal  
 16 year shall must be added to all cost of living increments  
 17 granted for previous years. The salary of such the chief  
 18 probation officer shall must be apportioned among and paid  
 19 by each of the counties in which such officer is appointed  
 20 to act, in proportion to the cost allocation established  
 21 under 41-5-104, except where such officer is appointed for  
 22 one county, such county shall pay the entire salary the  
 23 department of commerce as provided in 3-5-901.

24 (2) In addition to the compensation provided in  
 25 subsection (1), each chief probation officer with more than

1 5 years of service is entitled to receive an annual  
 2 longevity allowance. Each longevity allowance must be based  
 3 on the officer's current salary and begins on the officer's  
 4 annual employment anniversary date. The allowance must be  
 5 paid in equal monthly installments.

6 (3) For all authorized travel incident to his official  
 7 duties in connection with the investigation, supervision,  
 8 and transportation of youth, the chief probation officer  
 9 shall, in addition to his office salary, be reimbursed as  
 10 provided in 2-18-501 through 2-18-503.

11 Section 10, Section 46-8-201, MCA, is amended to read:  
 12 "46-8-201. Remuneration of appointed counsel. (1)  
 13 Whenever in a criminal proceeding an attorney represents or  
 14 defends any a person by order of the court on the ground  
 15 that the person is financially unable to employ counsel, the  
 16 attorney shall must be paid for his services such a sum as a  
 17 district court or justice of the state supreme court  
 18 certifies to be a reasonable compensation therefor and shall  
 19 must be reimbursed for reasonable costs incurred in the  
 20 criminal proceeding.

21 (2) The expense of implementing subsection (1) is  
 22 chargeable as provided in 3-5-901 to the county in which the  
 23 proceeding arose, the department of commerce, or both,  
 24 except that:

25 (a) in proceedings solely involving the violation of a

1 city ordinance or state statute prosecuted in a municipal or  
2 city court, the expense is chargeable to the city or town in  
3 which the proceeding arose, and

4 (b) when there has been an arrest by agents of the  
5 department of fish, wildlife, and parks or agents of the  
6 department of justice and the charge is prosecuted by  
7 personnel of the state agency that made the charge, the  
8 expense must be borne by the prosecuting state agency."

9 Section 11, Section 46-8-202, MCA, is amended to read:

10 "46-8-202. Public defender's office. Any A county  
11 through its board of county commissioners may provide for  
12 the creation of a public defender's office and the  
13 appointment of a salaried public defender and such assistant  
14 public defenders as may be necessary to satisfy the legal  
15 requirements in providing counsel for defendants unable to  
16 employ counsel. The costs of such the office shall must be  
17 at state expense payable according to procedures established  
18 under 3-5-902(1) and, to the extent those costs are not paid  
19 by the state, at county expense in accordance with  
20 3-5-902(3) and 3-5-902(1)."

21 SECTION 12. SECTION 61-3-321, MCA, IS AMENDED TO READ:

22 "61-3-321. Registration fees of vehicles. Public  
23 owned vehicles exempt from license or registration  
24 fees. (1) Registration or license  
25 fees must be paid upon registration or reregistration of

1 motor vehicles, trailers, house trailers, and semitrailers,  
2 in accordance with this chapter, as follows:

3 (a) motor vehicles weighing 2,850 pounds or under  
4 (other than motor trucks), \$5 50;

5 (b) motor vehicles weighing over 2,850 pounds (other  
6 than motor trucks), \$10 50;

7 (c) electrically driven passenger vehicles, \$10;

8 (d) all motorcycles and quadricycles, \$2 50;

9 (e) tractors and/or trucks, \$10;

10 (f) buses are classed as motor trucks and licensed  
11 accordingly;

12 (g) trailers and semitrailers less than 2,500 pounds  
13 maximum gross loaded weight and house trailers of all  
14 weights, \$2 50;

15 (h) trailers and semitrailers over 2,500 up to 6,000  
16 pounds maximum gross loaded weight (except house trailers),  
17 \$5;

18 (i) trailers and semitrailers over 6,000 pounds maximum  
19 gross loaded weight, \$10;

20 (j) trailers used exclusively in the transportation of  
21 logs in the forest or in the transportation of oil and gas  
22 well machinery, road machinery, or bridge materials, new and  
23 secondhand, \$15 annually, regardless of size or capacity;

24 (2) All rates are 25% higher for motor vehicles,  
25 trailers, and semitrailers not equipped with pneumatic



1 tires;

2 (3) "Tractor" as specified in this section means any  
3 motor vehicle, except passenger cars, used for towing a  
4 trailer or semitrailer;

5 (4) If any motor vehicle, house trailer, trailer, or  
6 semitrailer is originally registered 6 months after the time  
7 of registration as set by law, the registration or license  
8 fee for the remainder of the year is one-half of the regular  
9 fee.

10 (5) An additional fee of \$5.25 per year for each  
11 registration of a vehicle must be collected as a  
12 registration fee. Revenue from this fee must be forwarded by  
13 the respective county treasurers to the state treasurer for  
14 deposit in the general fund. The department of justice shall  
15 distribute 25 cents from each fee collected to the highway  
16 patrol retirement fund.

17 (6) A fee of \$2 for each set of new number plates must  
18 be collected when number plates provided for under  
19 61-3-332(3) are issued. Revenue from this fee must be  
20 deposited as provided in subsection (5).

21 (7) The provisions of this part with respect to the  
22 payment of registration fees do not apply to and are not  
23 binding upon motor vehicles, trailers or semitrailers, or  
24 tractors owned or controlled by the United States of America  
25 or any state, county, or city.

1 (8) The provisions of this section relating to the  
2 payment of registration fees or new number plate fees do not  
3 apply when number plates are transferred to a replacement  
4 vehicle under 61-3-317, 61-3-332, or 61-3-335.

5 (9) The county treasurer shall deduct \$3 as a district  
6 court fee from the fee collected in subsections (1)(a),  
7 (1)(b), (1)(d), and (1)(g). The county treasurer shall  
8 credit the fee for district courts to a separate suspense  
9 account and shall forward the amount in the account to the  
10 state treasurer at the time the county treasurer distributes  
11 the motor vehicle suspend fund. The state treasurer shall  
12 credit that amount to the general fund to be used for  
13 purposes of state funding of district court expenses as  
14 provided in 3-5-901 and section 5.

15 **SECTION 13. SECTION 61-3-325, MCA, IS AMENDED TO READ:**

16 "61-3-325. Vehicles subject to staggered registration  
17 fees and taxes. (1) Any motor vehicle in  
18 the fleet that is subject to staggered registration under  
19 61-3-313 through 61-3-316 may be registered as part of the  
20 fleet on the following fleet renewal date. The department of  
21 highways shall collect the remaining fees and taxes due for  
22 the registration year after crediting the registrant for the  
23 period that was previously paid.

24 (2) (a) The department of highways shall compute fees  
25 and taxes due on each motor vehicle in the fleet as provided

1 in part 5 of this chapter, based on its domicile;

2 (b) ~~The department of highways shall also collect a~~

3 ~~registration fee of \$7.50 for each motor vehicle in the~~

4 ~~fleet in lieu of the registration fee provided for in~~

5 ~~61-3-321. The department shall retain \$4.50 of each~~

6 ~~registration fee for administrative costs and forward the~~

7 ~~remaining \$3 to the state treasurer for deposit in the~~

8 ~~general fund in lieu of the fee provided in 61-3-321(5). The~~

9 ~~department of highways shall deduct the \$3 district court~~

10 ~~fee on applicable vehicle registration fees as provided in~~

11 ~~61-3-321(9) and forward that amount to the state treasurer~~

12 ~~who shall credit that amount to the general fund to be used~~

13 ~~for the purposes of state funding of district court expenses~~

14 ~~as provided in 3-5-901 and (section 5);~~

15 (c) ~~All fees and taxes must be paid no later than~~

16 ~~February 15 each year;~~

17 (d) ~~The fees and taxes collected must be distributed by~~

18 ~~the department of highways as provided in 61-3-321 and part~~

19 ~~5 of this chapter, based on the domicile of each motor~~

20 ~~vehicle."~~

21 Section 14, Section 61-3-509, MCA, is amended to read:

22 "61-3-509. Disposition of taxes. (1) Except as provided

23 in subsection (2), the county treasurer shall, after

24 deducting the district court fee, credit all taxes on motor

25 vehicles and fees in lieu of tax on motor homes, travel

1 trailers, and campers collected under 61-3-504, 61-3-521,

2 and 61-3-537 to a motor vehicle suspense fund, and at some

3 time between March 1 and March 10 of each year and every 60

4 days thereafter, the county treasurer shall distribute the

5 money in the motor vehicle suspense fund in the relative

6 proportions required by the levies for state, county, school

7 district, and municipal purposes in the same manner as

8 personal property taxes are distributed.

9 (2) The county treasurer shall deduct as a district

10 court fee 7% of the amount of the 2% tax collected on an

11 automobile or truck having a rated capacity of

12 three quarters of a ton or less. The county treasurer shall

13 credit the fee for district courts to a separate suspense

14 account and shall forward the amount in the account to the

15 state treasurer at the time the county treasurer distributes

16 the motor vehicle suspense fund. The state treasurer shall

17 credit amounts received under this subsection to the general

18 fund to be used for purposes of state funding of the

19 district court expenses as provided in 3-5-901 and (section

20 5); Any amount forwarded to the state treasurer under this

21 subsection that is not used for district court expenses must

22 be refunded to the counties in the proportion that the

23 amount collected from each county bears to the total amount

24 collected; ANY AMOUNT FORWARDED TO THE STATE TREASURER UNDER

25 THIS SUBSECTION THAT IS NOT USED FOR DISTRICT COURT EXPENSES

1 ~~MUST BE REFUNDED TO THE COUNTIES IN THE PROPORTION THAT THE~~  
 2 ~~AMOUNT COLLECTED FROM EACH COUNTY BEARS TO THE TOTAL AMOUNT~~  
 3 ~~COLLECTED.~~

4 ~~NEW SECTION. Section 13. Appropriation. The following~~  
 5 ~~is appropriated to the department of commerce for state~~  
 6 ~~payments set forth in 3-5-901 and for state reimbursements~~  
 7 ~~set forth in {section 5}:~~

8 ~~{1} Vehicle license fee money collected under 61-3-509~~  
 9 ~~and deposited in the general fund for funding district~~  
 10 ~~courts is appropriated from the general fund to the~~  
 11 ~~department of commerce:~~

12 ~~{a} for the fiscal year beginning June 30, 1991, in the~~  
 13 ~~amount of \$2,000,000;~~

14 ~~{b} for the fiscal year beginning June 30, 1992, in the~~  
 15 ~~amount of \$2,900,000;~~

16 ~~{2} Money from the general fund is appropriated to the~~  
 17 ~~department of commerce for each of the fiscal years of the~~  
 18 ~~biennium in an annual amount of \$2,500,000.~~

19 ~~NEW SECTION. SECTION 15. STATE BAR OF MONTANA. STUDY~~  
 20 ~~OF FUNDING ALTERNATIVES. THE STATE BAR OF MONTANA CONDUCTED~~  
 21 ~~A STUDY THAT RESULTED IN THE ENACTMENT OF THE SUBSTANTIVE~~  
 22 ~~PORTIONS OF {THIS ACT}, BUT RECOMMENDED NO SOURCE OF FUNDING~~  
 23 ~~OTHER THAN AN APPROPRIATION FROM THE STATE GENERAL FUND. THE~~  
 24 ~~STATE BAR IS REQUESTED TO CONTINUE THE STUDY AND RECOMMEND A~~  
 25 ~~METHOD OF FUNDING THE SUBSTANTIVE PORTIONS OF {THIS ACT} TO~~

1 ~~THE 53RD LEGISLATURE. THE STATE BAR SHOULD CONSIDER:~~  
 2 ~~{1} THE DEPOSIT OF ALL OR A PORTION OF PUNITIVE DAMAGE~~  
 3 ~~AWARDS INTO THE REIMBURSEMENT FUND;~~

4 ~~{2} THE DEPOSIT OF PREJUDGMENT INTEREST INTO THE~~  
 5 ~~REIMBURSEMENT FUND;~~

6 ~~{3} INCREASING THE CONTROL AND SUPERVISION OVER~~  
 7 ~~DISTRICT COURT BUDGETS;~~

8 ~~{4} DEPOSIT OF INCREASED FILING AND JUDGMENT FEES INTO~~  
 9 ~~THE REIMBURSEMENT FUND; AND~~

10 ~~{5} ANY OTHER MATTER IT CONSIDERS GERMANE TO THE~~  
 11 ~~FINANCING AND FISCAL ADMINISTRATION OF STATE DISTRICT~~  
 12 ~~COURTS.~~

13 ~~NEW SECTION. Section 16. Repealer. Sections 7-6-2352~~  
 14 ~~and 41-5-104, MCA, are repealed.~~

15 **SECTION 2. SECTION 61-3-537, MCA, IS AMENDED TO READ:**

16 "61-3-537. Local option vehicle tax. (1) A county may  
 17 impose a local vehicle tax on vehicles subject to a property  
 18 tax under 61-3-504(2) at a rate of up to 0.5% of the value  
 19 determined under 61-3-503, in addition to the tax imposed  
 20 under 61-3-504(2).

21 (2) A local vehicle tax is payable at the same time and  
 22 in the same manner as the tax imposed under 61-3-504(2). and  
 23 The local vehicle tax is distributed in the same manner  
 24 based on the registration address of the owner of the motor  
 25 vehicle determined by the governing body of the county AS

1 FOLLOWS:

2 (A) 50% TO THE COUNTY; AND

3 (B) THE REMAINING 50% TO THE COUNTY AND THE  
4 INCORPORATED CITIES AND TOWNS WITHIN THE COUNTY, APPORTIONED  
5 ON THE BASIS OF POPULATION. THE DISTRIBUTION TO A CITY OR  
6 TOWN IS DETERMINED BY MULTIPLYING THE AMOUNT OF MONEY  
7 AVAILABLE BY THE RATIO OF THE POPULATION OF THE CITY OR TOWN  
8 TO THE TOTAL COUNTY POPULATION. THE DISTRIBUTION TO THE  
9 COUNTY IS DETERMINED BY MULTIPLYING THE AMOUNT OF MONEY  
10 AVAILABLE BY THE RATIO OF THE POPULATION OF UNINCORPORATED  
11 AREAS WITHIN THE COUNTY TO THE TOTAL COUNTY POPULATION.

12 (3) The governing body of a county may impose a local  
13 vehicle tax for a fiscal year by adopting a resolution  
14 before July 1 of the fiscal year, after conducting a public  
15 hearing on the proposed resolution. The resolution may  
16 provide for the distribution of the local vehicle tax."

17 NEW SECTION. Section 3. Effective date --  
18 applicability. [This act] is effective July 1, 1991, and  
19 applies to district court expenditures made after June 30,  
20 1991.

21 NEW SECTION. SECTION 4. TERMINATION. [THIS ACT]  
22 TERMINATES JUNE 30, 1993.

-End-