HOUSE BILL NO. 903

INTRODUCED BY COBB, STRIZICH, BRADLEY, YELLOWTAIL, WATERMAN, HARP, NATHE, D. BROWN

IN THE HOUSE

FEBRUARY 16, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 19, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 20, 1991	PRINTING REPORT.
MARCH 27, 1991	ON MOTION, CONSIDERATION PASSED.
APRIL 4, 1991	SECOND READING, DO PASS AS AMENDED.
	ON MOTION, RULES SUSPENDED. BILL PLACED ON THIRD READING THIS DAY.
	THIRD READING, PASSED. AYES, 75; NOES, 23.
APRIL 5, 1991	ENGROSSING REPORT.
	TRANSMITTED TO SENATE.
IN	THE SENATE
APRIL 5, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
APRIL 12, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 15, 1991	SECOND READING, CONCURRED IN AS AMENDED.
APRIL 16, 1991	THIRD READING, CONCURRED IN. AYES, 49; NOES, 0.
	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. 203
2	INTRODUCED BY Cook Bradley
3	folderstand Migrow With HARP N'AT Me Owell
4	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A COURT
5	AUTOMATION FEE; ESTABLISHING A COURT AUTOMATION ACCOUNT;
6	AMENDING SECTION 61-3-509, MCA; AND PROVIDING AN EFFECTIVE
7	DATE AND A TERMINATION DATE."
8	
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
0	NEW SECTION. Section 1. Court automation fee. (1) A
1	special court automation fee of \$1 must be assessed on the
2	annual registration or reregistration of each motor vehicle
3	subject to registration. The fee must be collected by the
4	county treasurer.
5	(2) For purposes of this section, motor vehicle
6	includes:
7	(a) a motor vehicle as defined in 61-1-102;
8	(b) a motorcycle as defined in 61-1-105;
9	(c) a motor-driven cycle as defined in 61-1-106; and
0	(d) a quadricycle as defined in 61-1-133.
1	(3) The following vehicles are exempt from the fee:
2	(a) vehicles owned or controlled by the United States
!3	or a state, county, or city;
4	(b) vehicles exempt from payment of registration fees
	h. 61 2 221/7). and

that requires towing when moved upon a highway of this
state.
NEW SECTION. Section 2. Account established. There is
within the state special revenue fund a court automation
account. Money is payable into the account under the
provisions of 61-3-509.
NEW SECTION. Section 3. Use of court automation fee
biennial report. (1) All money appropriated to the supreme
court from the court automation account must be used by the
supreme court to pay necessary costs for court automation
projects to improve information or case management system
or the administration of justice.
(2) The supreme court shall provide each regula
session of the legislature with a report on the use of cour
automation fees and the status of judicial automation.
NEW SECTION. Section 4. Court automation advisory
board. The supreme court commission on the use o
appropriate technology in the Montana judiciary shall act a
a court automation advisory board and shall mee
periodically to provide advice to the supreme cour
concerning administration of [sections 1 through 3].

(c) vehicles or equipment that is not self-propelled or

provided in subsection (2), the county treasurer shall,

Section 5. Section 61-3-509, MCA, is amended to read:

"61-3-509. Disposition of taxes and fees. (1) Except as

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after deducting the district court fee and the court automation fee, credit all taxes on motor vehicles and fees in lieu of tax taxes on motor homes, travel trailers, and campers collected under 61-3-504, 61-3-521, and 61-3-537 to a motor vehicle suspense fund, and at some time between March 1 and March 10 of each year and every 60 days thereafter, the county treasurer shall distribute the money in the motor vehicle suspense fund in the relative proportions required by the levies for state, county, school district, and municipal purposes in the same manner as personal property taxes are distributed.

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(2) (a) The county treasurer shall deduct as a district court fee 7% of the amount of the 2% tax collected on an automobile or truck having a rated capacity of three-quarters of a ton or less. The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the state treasurer at the time the county treasurer distributes the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the general fund to be used for purposes of state funding of the district court expenses as provided in 3-5-901. Any amount forwarded to the state treasurer under this subsection that is not used for district court expenses must be refunded to the counties in the proportion that the amount collected

-3-

from each county bears to the total amount collected.

(b) The county treasurer shall deduct the fee collected

3 in accordance with [section 1]. The county treasurer shall 4 credit the money collected for the court automation fee to a separate suspense account and shall forward the amount in 6 the account to the state treasurer at the time the county 7 treasurer distributes the motor vehicle suspense fund. The state treasurer shall credit amounts received under this 9 subsection to the state special revenue fund court 10 automation account to be used for purposes of state funding of court automation projects as provided in [section 3]." 11

NEW SECTION. Section 6. Appropriation. There are appropriated to the supreme court from the court automation account in the state special revenue fund the following amounts for court automation:

16 FY 1992 \$ 790,000

17 FY 1993 790,000

18 <u>NEW SECTION.</u> Section 7. Codification instruction.

19 [Sections 1 through 4] are intended to be codified as an

20 integral part of Title 3, chapter 1, and the provisions of

21 Title 3, chapter 1, apply to [sections 1 through 4].

NEW SECTION. Section 8. Effective date. [This act] is

23 effective July 1, 1991.

NEW SECTION. Section 9. Termination. [This act]

25 terminates June 30, 1996.

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0903, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for a court automation fee and establishing a court automation account.

ASSUMPTIONS:

Department of Justice:

1.750,000 vehicles will be registered or reregistered in FY92 and FY93 as defined in 61-1-102, 61-1-105, 61-1-106, and 61-1-133, MCA, excluding trailers. The \$1 fee will generate \$750,000 in revenue each year.

Judiciary:

2. All fees collected will be expended for court automation projects in the year received. Expenses will be allocated approximately 50% to operating/training expenses and 50% for the purchase of equipment and software.

FISCAL IMPACT:

Judiciary-Court Automation Projects

		FY '92			<u>FY '93</u>	
Expenditures:	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Operating Expenses	0	375,000	375,000	0	375,000	375,000
Equipment	<u>0</u>	375,000	375,000	<u>0</u>	<u>375,000</u>	<u>375,000</u>
Total	0	750,000	750,000	0	750,000	750,000
Funding:						
Court Automation Account (02)	0	750,000	750,000	0	750,000	750,000
Revenues:						
State Special/Automation Fees(02) 0	750,000	750,000	0	750,000	750,000

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The local government may be able to reduce local tax levies by an amount equal to the equipment purchased in each jurisdiction, by the savings realized from software development, and by the training and installation savings.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Automation may result in an indeterminable acceleration of uncollected revenue and increased revenue due to automated

accounting and tracking of court fees, fines, forfeitures, and restitution.

ROD SUNDSTED, BUDGET DIRECTOR

Office of Budget and Program Planning

DATE

JOHN COBB, PRIMARY SPONSOR

2123191

Fiscal Note for HB0903, as introduced

HB 903

HB 0903/02

APPROVED BY COMMITTEE ON JUDICIARY

1	HOUSE BILL NO. 903
2	INTRODUCED BY COBB, STRIZICH, BRADLEY,
3	YELLOWTAIL, WATERMAN, HARP, NATHE, D. BROWN
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A COURT
6	AUTOMATION FEE; ESTABLISHING A COURT AUTOMATION ACCOUNT;
7	AMENDING SECTION 61-3-509, MCA; AND PROVIDING AN EFFECTIVE
8	DATE AND A TERMINATION DATE."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	NEW SECTION. Section 1. Court automation fee. (1) A
12	special court automation fee of \$1 must be assessed on the
13	annual registration or reregistration of each motor vehicle
14	subject to registration. The fee must be collected by the
15	county treasurer.
16	(2) For purposes of this section, motor vehicle
17	includes:
18	(a) a motor vehicle as defined in 61-1-102;
19	(b) a motorcycle as defined in 61-1-105;
20	(c) a motor-driven cycle as defined in 61-1-106; and
21	(d) a quadricycle as defined in 61-1-133.
22	(3) The following vehicles are exempt from the fee:
23	(a) vehicles owned or controlled by the United State:
24	or a state, county, or city;
25	(b) vehicles exempt from payment of registration fee:

(0)	vehic	cles or	equi	pment	that	is	not	self-pr	opell	ed or
that req	uires	towing	when	move	ed u	pon	a	highway	of	this
state.										
NEW	SECTIO	ON. Se	ction	2. /	Accou	nt	esta	blished	. The	re is
within t	he sta	ate spe	cial	reveni	ue f	und	a	court	autom	ation

by 61-3-321(7); and

provisions of 61-3-509.

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NEW SECTION. Section 3. Use of court automation fee -biennial report. (1) All money appropriated to the supreme court from the court automation account must be used by the supreme court to pay necessary costs for court automation projects to improve information or case management systems or the administration of justice.

account. Money is payable into the account under the

- (2) The supreme court shall provide each regular session of the legislature with a report on the use of court automation fees and the status of judicial automation.
- 19 board. The supreme court commission on the use of 20 appropriate technology in the Montana judiciary shall act as 21 a court automation advisory board and shall meet

NEW SECTION. Section 4. Court automation

- periodically to provide advice to the supreme court 23
 - concerning administration of (sections 1 through 3).
- Section 5. Section 61-3-509, MCA, is amended to read: 24
- 25 "61-3-509. Disposition of taxes and fees. (1) Except as

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

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(2) (a) The county treasurer shall deduct as a district court fee 7% of the amount of the 2% tax collected on an automobile or truck having a rated capacity of three-quarters of a ton or less. The county treasurer shall credit the fee for district courts to a separate suspense account and shall forward the amount in the account to the state treasurer at the time the county treasurer distributes the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the general fund to be used for purposes of state funding of the district court expenses as provided in 3-5-901. Any amount forwarded to the state treasurer under this subsection that is not used for district court expenses must be refunded to

the counties in the proportion that the amount collected from each county bears to the total amount collected.

in accordance with [section 1]. The county treasurer shall credit the money collected for the court automation fee to a separate suspense account and shall forward the amount in the account to the state treasurer at the time the county treasurer distributes the motor vehicle suspense fund. The state treasurer shall credit amounts received under this subsection to the state special revenue fund court automation account to be used for purposes of state funding of court automation projects as provided in [section 3]."

NEW SECTION. Section 6. Appropriation. There are appropriated to the supreme court from the court automation account in the state special revenue fund the following amounts for court automation:

17 FY 1992 \$ 790,000

18 FY 1993 790,000

19 <u>NEW SECTION.</u> **Section 7**. Codification instruction.

20 [Sections 1 through 4] are intended to be codified as an

21 integral part of Title 3, chapter 1, and the provisions of

Title 3, chapter 1, apply to [sections 1 through 4].

NEW SECTION. SECTION 8. COORDINATION INSTRUCTION. (1)

24 IF HOUSE BILL NO. 579 IS PASSED AND APPROVED, THEN (SECTION

25 1 OF THIS ACT IS REPLACED WITH THE FOLLOWING SECTION:

1	"NEW SECTION. SECTION 1. UNIFIED COUNTY MOTOR VEHICLE	1	ACCOUNT.
2	COMPUTER/COURT AUTOMATION FEE. (1) A UNIFIED COUNTY MOTOR	2	(C) AFTER FISCAL YEAR 1993, THE ENTIRE FEE IS ALLOCATED
3	VEHICLE COMPUTER FEE/SPECIAL COURT AUTOMATION FEE OF \$1 MUST	3	TO THE COURT AUTOMATION ACCOUNT."
4	BE ASSESSED ON THE ANNUAL REGISTRATION OF REREGISTRATION OF	4	(2) IF HOUSE BILL NO. 579 IS PASSED AND APPROVED, THEN
5	OR PAYMENT OF A FEE IN LIEU OF TAX ON THE FOLLOWING:	5	[SECTION 11 OF HOUSE BILL NO. 579] IS VOID AND THE REFERENCE
6	(A) MOTOR VEHICLES SUBJECT TO REGISTRATION OR	6	TO SECTION 11 IN [SECTION 12 OF HOUSE BILL NO. 579] IS
7	REREGISTRATION UNDER TITLE 61, CHAPTER 3;	7	CHANGED TO REFER TO (SECTION 1 OF THIS ACT).
8	(B) BOATS SUBJECT TO THE FEE IN LIEU OF TAX UNDER TITLE	8	(3) IF HOUSE BILL NO. 579 IS PASSED AND APPROVED, THEN
9	23, CHAPTER 2, PART 5;	9	[SECTION 5 OF THIS ACT] IS VOID AND THE REFERENCE IN
0	(C) SNOWMOBILES SUBJECT TO REGISTRATION OR	10	[SECTION 2 OF THIS ACT] TO 61-3-509 IS CHANGED TO REFER TO
.1	REREGISTRATION UNDER TITLE 23, CHAPTER 2, PART 6; AND	11	[SECTION 1 OF THIS ACT].
. 2	(D) OFF-HIGHWAY VEHICLES SUBJECT TO THE FEE IN LIEU OF	12	(4) IF HOUSE BILL NO. 579 IS PASSED AND APPROVED, THEN
. 3	TAX UNDER TITLE 23, CHAPTER 2, PART 8.	13	[SECTION 6 OF THIS ACT] IS REPLACED WITH THE FOLLOWING:
4	(2) THE FEE MUST BE COLLECTED BY THE COUNTY TREASURER	14	"NEW SECTION. SECTION 6. APPROPRIATION. THERE ARE
15	AND FORWARDED TO THE STATE TREASURER FOR DEPOSIT IN THE	15	APPROPRIATED TO THE SUPREME COURT FROM THE COURT AUTOMATION
6	COUNTY MOTOR VEHICLE COMPUTER FUND ESTABLISHED IN [SECTION	16	ACCOUNT IN THE STATE SPECIAL REVENUE FUND THE FOLLOWING
L 7	12 OF HOUSE BILL NO. 579] AND THE COURT AUTOMATION ACCOUNT	17	AMOUNTS FOR COURT AUTOMATION:
В	ESTABLISHED IN [SECTION 2 OF THIS ACT], AS FOLLOWS:	18	FY 1992 \$230,000
19	(A) IN FISCAL YEAR 1992, 75 CENTS OF THE FEE IS	19	FY 1993 459,000"
20	ALLOCATED TO THE COUNTY MOTOR VEHICLE COMPUTER FUND AND 25	20	NEW SECTION. Section 9. Effective date. [This act] is
21	CENTS OF THE FEE IS ALLOCATED TO THE COURT AUTOMATION	21	effective July 1, 1991.
2 2	ACCOUNT.	22	NEW SECTION. Section 10. Termination. [This act]
23	(B) IN FISCAL YEAR 1993, 50 CENTS OF THE FEE IS	23	terminates June 30, 1996.
2 4	ALLOCATED TO THE COUNTY MOTOR VEHICLE COMPUTER FUND AND 50	23	·
25	CENTS OF THE FEE IS ALLOCATED TO THE COURT AUTOMATION		-End-

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1	HOUSE BILL NO. 903
2	INTRODUCED BY COBB, STRIZICH, BRADLEY,
3	YELLOWTAIL, WATERMAN, HARP, NATHE, D. BROWN
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING-PORACOURT
6	AUTOMATIONFEE;ESTABLISHINGACOURT-AUTOMATION-ACCOUNT;
7	AMENDING-SECTION-61-3-5097-MCA7-AND-PROVIDINGANEFFECTIVE
8	DATEANDATERMINATIONDATE: APPROPRIATING FUNDS TO THE
9	SUPREME COURT FOR COURT AUTOMATION."
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	(Refer to Second Reading Copy)
13	Strike everything after the enacting clause and insert:
14	NEW SECTION. Section 1. Appropriation. (1) Upon final
15	determination of all general fund money in the department of
16	social and rehabilitation services' unreconciled special
17	revenue fund balance and the deposit of those funds in the
18	general fund, the lesser of the following is appropriated to
19	the supreme court for the 1993 biennium for court automation
20	projects:
21	(a) \$375,000; or
22	(b) the amount available from the balance after funding
23	\$923,977 appropriated for the 1993 biennium to the
24	department of social and rehabilitation services for the
25	TEAMS project in House Bill No. 2 and \$627,376 appropriated

1	in House Bill No. 569 to the department of family services
2	for the 1993 biennium for purchase and development of a
3	management information system.
4	(2) The funds appropriated to the supreme court must be
5	used to pay necessary costs for court automation projects to
6	improve information or case management systems or the
7	administration of justice.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1 April 12, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 903 (third reading copy -- blue), respectfully report that House Bill No. 903 be amended and as so amended be concurred in:

1. Title, line 9.

Following: "AUTOMATION"

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Pages 1 and 2.

Strike: everything after the enacting clause

Insert: "NEW SECTION. Section 1. Appropriation -- purpose -department of social and rehabilitation services to deposit certain funds to general fund -- court automation report.

- There is appropriated from the state general fund to the supreme court \$420,000 for the 1993 biennium for court automation projects.
- (2) There is appropriated from the federal special revenue account to the supreme court \$200,000 for the 1993 biennium for court automation projects.
- (3) The funds appropriated by this section to the supreme court must be used to pay necessary costs for court automation projects to improve information systems, case management systems, and the administration of justice.
- (4) Prior to July 1, 1991, the department of social and rehabilitation services shall deposit to the credit of the state general fund all money in the federal special revenue account.
- (5) The supreme court shall report to the 1993 legislature the status of judicial automation.

NEW SECTION. Section 2. Coordination instruction. If House Bill No. 2 is passed and approved and if it contains a narrative prepared by the legislative fiscal analyst on supreme court operations relating to legislative intent for [this act], then that narrative is void.

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

Signed:

Richard Pinsoneault, Chairman

HB 903

SENATE

SENATE COMMITTEE OF THE WHOLE AMENDMENT

April 15, 1991 10:37 am Mr. Chairman: I move to amend House Bill No. 903 (third reading copy -- blue) as follows:

Amend Senate Judiciary Committee amendment dated April 12, 1991, as follows:

Amendment No. 2

In subsection (4), at the end of the subsection, following "account"

Insert: "(number 03143) associated with the former department of community affairs grant closeouts reported in the April 1990 legislative audit by the office of the legislative auditor"

ADOPT

REJECT

Signed:

Senator Waterman

1415-91 And. coord. 5B 4/15

Sec. of Senate

1	HOUSE BILL NO. 903
2	INTRODUCED BY COBB, STRIZICH, BRADLEY,
3	YELLOWTAIL, WATERMAN, HARP, NATHE, D. BROWN
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING-FORACOURT
6	AUTOMATIONPEE;ESTABLISHINGACOURT-AUTOMATION-ACCOUNT;
7	AMENDING-SECTION-61-3-5097-MCA;-AND-PROVIDINGANBPFECTIVE
8	BATEANDATERMINATIONBATE: APPROPRIATING FUNDS TO THE
9	SUPREME COURT FOR COURT AUTOMATION; AND PROVIDING AN
L 0	IMMEDIATE EFFECTIVE DATE."
11	
. 2	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
.3	(Refer to Third Reading Copy)
.4	Strike everything after the enacting clause and insert:
.5	NEW SECTION. SECTION 1. APPROPRIATION PURPOSE
.6	DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO DEPOSIT
.7	CERTAIN FUNDS TO GENERAL FUND COURT AUTOMATION REPORT.
L 8	(1) THERE IS APPROPRIATED FROM THE STATE GENERAL FUND TO THE
19	SUPREME COURT \$420,000 FOR THE 1993 BIENNIUM FOR COURT
20	AUTOMATION PROJECTS.
21	(2) THERE IS APPROPRIATED FROM THE FEDERAL SPECIAL
22	REVENUE ACCOUNT TO THE SUPREME COURT \$200,000 FOR THE 1993
23	BIENNIUM FOR COURT AUTOMATION PROJECTS.
24	(3) THE FUNDS APPROPRIATED BY THIS SECTION TO THE
25	SUPREME COURT MUST BE USED TO PAY NECESSARY COSTS FOR COURT

_	TOTAL TROUBLE TO THE TANK THE TOTAL
2	MANAGEMENT SYSTEMS, AND THE ADMINISTRATION OF JUSTICE.
3	(4) PRIOR TO JULY 1, 1991, THE DEPARTMENT OF SOCIAL AND
4	REHABILITATION SERVICES SHALL DEPOSIT TO THE CREDIT OF THE
5	STATE GENERAL FUND ALL MONEY IN THE FEDERAL SPECIAL REVENUE
6	ACCOUNT (NUMBER 03143) ASSOCIATED WITH THE FORMER DEPARTMENT
7	OF COMMUNITY AFFAIRS GRANT CLOSEOUTS REPORTED IN THE APRIL
8	1990 LEGISLATIVE AUDIT BY THE OFFICE OF THE LEGISLATIVE
9	AUDITOR.
10	(5) THE SUPREME COURT SHALL REPORT TO THE 1993
11	LEGISLATURE THE STATUS OF JUDICIAL AUTOMATION.
12	NEW SECTION. SECTION 2. COORDINATION INSTRUCTION. IF
13	HOUSE BILL NO. 2 IS PASSED AND APPROVED AND IF IT CONTAINS A
14	NARRATIVE PREPARED BY THE LEGISLATIVE FISCAL ANALYST ON
15	SUPREME COURT OPERATIONS RELATING TO LEGISLATIVE INTENT FOR
16	[THIS ACT], THEN THAT NARRATIVE IS VOID.
17	NEW SECTION. SECTION 3. EFFECTIVE DATE. [THIS ACT] IS
18	EFFECTIVE ON PASSAGE AND APPROVAL.

Montana Legislative Count

-End-