

SENATE BILL NO. 311
INTRODUCED BY WEEDING

IN THE SENATE

FEBRUARY 8, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON PUBLIC HEALTH, WELFARE, & SAFETY.

FIRST READING.

FEBRUARY 19, 1991 COMMITTEE RECOMMEND BILL
DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 20, 1991 PRINTING REPORT.

FEBRUARY 21, 1991 SECOND READING, DO PASS.

FEBRUARY 22, 1991 ENGROSSING REPORT.

THIRD READING, PASSED.
AYES, 49; NOES, 0.

TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991 INTRODUCED AND REFERRED TO COMMITTEE
ON HUMAN SERVICES & AGING.

FIRST READING.

MARCH 23, 1991 COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

POSTED ON CONSENT CALENDAR.

APRIL 4, 1991 CONSENT CALENDAR, QUESTIONS AND ANSWERS.

APRIL 5, 1991 THIRD READING, CONCURRED IN.
AYES, 94; NOES, 2.

RETURNED TO SENATE.

IN THE SENATE

APRIL 5, 1991 RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 SENATE BILL NO. 311
 2 INTRODUCED BY Ulrich
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
 5 REGARDING THE LICENSURE AND PRACTICE OF PHYSICIAN
 6 ASSISTANTS-CERTIFIED; CLARIFYING METHODS AVAILABLE TO THE
 7 BOARD OF MEDICAL EXAMINERS FOR DISCIPLINING A SUPERVISING
 8 PHYSICIAN OR A PHYSICIAN ASSISTANT-CERTIFIED; ELIMINATING
 9 THE TIME RESTRICTION ON LOCUM TENENS PRACTICE; EXEMPTING A
 10 SUPERVISED PHYSICIAN ASSISTANT STUDENT FROM THE APPROVAL
 11 REQUIREMENT; AND AMENDING SECTIONS 37-20-104, 37-20-301, AND
 12 37-20-303, MCA."

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

15 **Section 1.** Section 37-20-104, MCA, is amended to read:

16 **"37-20-104. Penalty -- enforcement.** (1) Any person who
 17 employs a physician assistant-certified or holds himself out
 18 to be a physician assistant-certified without the approval
 19 of the Montana state board of medical examiners is guilty of
 20 a misdemeanor and is punishable as provided in 46-18-212.

21 (2) In addition to seeking any criminal penalty
 22 available under this section, the board may ~~withdraw--its~~
 23 ~~approval--of--any-utilization-plan-previously-approved-which~~
 24 ~~is-applicable-to,~~ in the manner set out in subsection (3)
 25 and after notice and opportunity for hearing, discipline any

1 supervising physician or physician assistant-certified who:
 2 (a) acts in violation of this section;
 3 (b) obtained the approval of the board by fraud;
 4 (c) acts in a manner contrary to the terms of the
 5 utilization plan; or
 6 (d) violates any of the applicable provisions of this
 7 chapter or rules of the board adopted thereunder.
 8 (3) If the board finds that the supervising physician
 9 or the physician assistant-certified has violated any
 10 provision of subsection (2), the board may:
 11 (a) revoke his license or approval, as applicable;
 12 (b) suspend his right to practice for a period not to
 13 exceed 1 year;
 14 (c) suspend its judgment of revocation on terms and
 15 conditions determined by the board;
 16 (d) place him on probation;
 17 (e) impose a fine, not to exceed \$500 for each
 18 violation; or
 19 (f) take other action it considers proper.
 20 ~~(3)(4)~~ The board may enforce the provisions of this
 21 section by the remedy of injunction."

22 **Section 2.** Section 37-20-301, MCA, is amended to read:

23 **"37-20-301. Utilization plan required -- contents --**
 24 approval. (1) A physician, office, firm, state institution,
 25 or professional service corporation may not employ or make



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1 use of the services of a physician assistant-certified in
2 the practice of medicine, as defined in 37-3-102, and a
3 physician assistant-certified may not be employed or
4 practice as a physician assistant-certified unless the
5 physician assistant-certified:

- 6 (a) is supervised by a licensed physician;
- 7 (b) has been approved by the Montana state board of
8 medical examiners; and
- 9 (c) has received board approval of a physician
10 assistant-certified utilization plan.

11 (2) A physician assistant-certified utilization plan
12 must set forth in detail the following information:

- 13 (a) the name and qualifications of the supervising
14 physician, as provided in 37-20-101, and the name and
15 approval number of the physician assistant-certified;
- 16 (b) the nature and location of the physician's medical
17 practice;
- 18 (c) the duties to be delegated to the physician
19 assistant-certified and the location in which those duties
20 are to be performed;
- 21 (d) the name and qualifications of a second physician
22 meeting the requirements of 37-20-101 to serve in the place
23 of the supervising physician in the event that the
24 supervising physician is unable to supervise the physician
25 assistant-certified temporarily;

1 (e) necessary guidelines describing the intended
2 availability of the supervising or alternate physician for
3 consultation by the physician assistant-certified; and

4 (f) other information the board may consider necessary.

5 (3) The board shall approve the utilization plan if it
6 finds that the duties to be delegated to the physician
7 assistant-certified are:

- 8 (a) assigned by the supervising physician;
- 9 (b) within the scope of the training, knowledge,
10 experience, and practice of the supervisory physician; and
- 11 (c) within the scope of the training, knowledge,
12 education, and experience of the physician
13 assistant-certified.

14 (4) A supervising physician and a physician
15 assistant-certified may submit a new or additional
16 utilization plan to the board for approval without
17 reestablishing the criteria set out in 37-20-402, as long as
18 the information requirements of subsection (2) have been met
19 and the appropriate fee provided for in 37-20-302(1) has
20 been paid.

21 (5) A utilization plan may provide that a physician
22 assistant-certified be allowed to furnish services on a
23 locum tenens basis at a location other than the physician
24 assistant-certified's primary place of practice ~~for a period~~
25 ~~not--to--exceed-30-calendar-days~~. A locum tenens utilization

1 plan may be approved by a single board member."

2 **Section 3.** Section 37-20-303, MCA, is amended to read:

3 "37-20-303. Exemptions from approval requirement. (1)

4 This chapter does not require the approval of a physician
5 assistant-certified utilization plan or locum tenens
6 utilization plan with respect to any acts within the
7 professional competence of a person licensed under the
8 provisions of Title 37, chapters 3 through 17, 31, or 32.

9 (2) This chapter does not require the approval of a
10 utilization plan for a physician assistant student in
11 training as long as the training is supervised by a licensed
12 physician or physician assistant-certified approved under
13 this chapter."

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

1 SENATE BILL NO. 311
2 INTRODUCED BY WEEDING
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW
5 REGARDING THE LICENSURE AND PRACTICE OF PHYSICIAN
6 ASSISTANTS-CERTIFIED; CLARIFYING METHODS AVAILABLE TO THE
7 BOARD OF MEDICAL EXAMINERS FOR DISCIPLINING A SUPERVISING
8 PHYSICIAN OR A PHYSICIAN ASSISTANT-CERTIFIED; ELIMINATING
9 THE TIME RESTRICTION ON LOCUM TENENS PRACTICE; EXEMPTING-A
10 SUPERVISED-PHYSICIAN-ASSISTANT--STUDENT--FROM--THE--APPROVAL
11 REQUIREMENT;--AND REQUIRING THE BOARD TO DEVELOP RULES
12 REGARDING PHYSICIAN ASSISTANT STUDENTS; AMENDING SECTIONS
13 37-20-104, 37-20-202, AND 37-20-301, AND 37-20-303, MCA; AND
14 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15
16 STATEMENT OF INTENT
17 A STATEMENT OF INTENT IS NECESSARY FOR THIS BILL BECAUSE
18 37-20-202(5) REQUIRES THE BOARD OF MEDICAL EXAMINERS TO
19 DEVELOP RULES PERTINENT TO THE TRAINING OF PHYSICIAN
20 ASSISTANT STUDENTS IN MONTANA. IT IS INTENDED THAT THE RULES
21 ADDRESS THE KIND AND AMOUNT OF SUPERVISION REQUIRED FOR
22 PHYSICIAN ASSISTANT STUDENTS AND OTHER ASPECTS OF STUDENT
23 TRAINING THE BOARD CONSIDERS PERTINENT.

24
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 **Section 1.** Section 37-20-104, MCA, is amended to read:
2 *37-20-104. **Penalty -- enforcement.** (1) Any person who
3 employs a physician assistant-certified or holds himself out
4 to be a physician assistant-certified without the approval
5 of the Montana state board of medical examiners is guilty of
6 a misdemeanor and is punishable as provided in 46-18-212.
7 (2) In addition to seeking any criminal penalty
8 available under this section, the board may ~~withdraw its~~
9 ~~approval of any utilization plan previously approved which~~
10 ~~is applicable to,~~ in the manner set out in subsection (3)
11 and after notice and opportunity for hearing, discipline any
12 supervising physician or physician assistant-certified who:
13 (a) acts in violation of this section;
14 (b) obtained the approval of the board by fraud;
15 (c) acts in a manner contrary to the terms of the
16 utilization plan; or
17 (d) violates any of the applicable provisions of this
18 chapter or rules of the board adopted thereunder.
19 (3) If the board finds that the supervising physician
20 or the physician assistant-certified has violated any
21 provision of subsection (2), the board may:
22 (a) revoke his license or approval, as applicable;
23 (b) suspend his right to practice for a period not to
24 exceed 1 year;
25 (c) suspend its judgment of revocation on terms and



- 1 conditions determined by the board;
- 2 (d) place him on probation;
- 3 (e) impose a fine, not to exceed \$500 for each
- 4 violation; or
- 5 (f) take other action it considers proper.

6 ~~f3}~~(4) The board may enforce the provisions of this
7 section by the remedy of injunction."

8 **Section 2.** Section 37-20-301, MCA, is amended to read:

9 **"37-20-301. Utilization plan required -- contents --**
10 **approval.** (1) A physician, office, firm, state institution,
11 or professional service corporation may not employ or make
12 use of the services of a physician assistant-certified in
13 the practice of medicine, as defined in 37-3-102, and a
14 physician assistant-certified may not be employed or
15 practice as a physician assistant-certified unless the
16 physician assistant-certified:

- 17 (a) is supervised by a licensed physician;
- 18 (b) has been approved by the Montana state board of
19 medical examiners; and
- 20 (c) has received board approval of a physician
21 assistant-certified utilization plan.

22 (2) A physician assistant-certified utilization plan
23 must set forth in detail the following information:

- 24 (a) the name and qualifications of the supervising
25 physician, as provided in 37-20-101, and the name and

- 1 approval number of the physician assistant-certified;
- 2 (b) the nature and location of the physician's medical
3 practice;
- 4 (c) the duties to be delegated to the physician
5 assistant-certified and the location in which those duties
6 are to be performed;

- 7 (d) the name and qualifications of a second physician
8 meeting the requirements of 37-20-101 to serve in the place
9 of the supervising physician in the event that the
10 supervising physician is unable to supervise the physician
11 assistant-certified temporarily;

- 12 (e) necessary guidelines describing the intended
13 availability of the supervising or alternate physician for
14 consultation by the physician assistant-certified; and

- 15 (f) other information the board may consider necessary.

16 (3) The board shall approve the utilization plan if it
17 finds that the duties to be delegated to the physician
18 assistant-certified are:

- 19 (a) assigned by the supervising physician;
- 20 (b) within the scope of the training, knowledge,
21 experience, and practice of the supervisory physician; and
- 22 (c) within the scope of the training, knowledge,
23 education, and experience of the physician
24 assistant-certified.

- 25 (4) A supervising physician and a physician

1 assistant-certified may submit a new or additional
 2 utilization plan to the board for approval without
 3 reestablishing the criteria set out in 37-20-402, as long as
 4 the information requirements of subsection (2) have been met
 5 and the appropriate fee provided for in 37-20-302(1) has
 6 been paid.

7 (5) A utilization plan may provide that a physician
 8 assistant-certified be allowed to furnish services on a
 9 locum tenens basis at a location other than the physician
 10 assistant-certified's primary place of practice ~~for a period~~
 11 ~~not to exceed 90 calendar days.~~ A locum tenens utilization
 12 plan may be approved by a single board member."

13 ~~Section 3. Section 37-20-303, MCA, is amended to read:~~

14 ~~"37-20-303. Exemptions from approval requirement. (1)~~
 15 ~~This chapter does not require the approval of a physician~~
 16 ~~assistant-certified utilization plan or locum tenens~~
 17 ~~utilization plan with respect to any acts within the~~
 18 ~~professional competence of a person licensed under the~~
 19 ~~provisions of Title 37, chapters 3 through 17, 31, or 32.~~

20 ~~(2) This chapter does not require the approval of a~~
 21 ~~utilization plan for a physician assistant student in~~
 22 ~~training as long as the training is supervised by a licensed~~
 23 ~~physician or physician assistant certified approved under~~
 24 ~~this chapter."~~

25 SECTION 3. SECTION 37-20-202, MCA, IS AMENDED TO READ:

1 "37-20-202. Adoption of rules. The board of medical
 2 examiners shall adopt administrative rules to implement the
 3 provisions of this chapter that:

4 (1) address the issues of supervision and direction
 5 limitations and requirements;

6 (2) address the issue of protocols for interaction of
 7 medical personnel with differing responsibilities;

8 (3) specify that a physician may not utilize more than
 9 one physician assistant-certified unless he can demonstrate
 10 to the board the ability to supervise more than one
 11 assistant adequately;

12 (4) address other considerations pertinent to the
 13 approval of physician assistant-certified utilization plans
 14 and locum tenens utilization plans, and the health care
 15 needs of the public;

16 (5) address physician assistant training in Montana."

17 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS
 18 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

SENATE BILL NO. 311
INTRODUCED BY WEEDING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW REGARDING THE LICENSURE AND PRACTICE OF PHYSICIAN ASSISTANTS-CERTIFIED; CLARIFYING METHODS AVAILABLE TO THE BOARD OF MEDICAL EXAMINERS FOR DISCIPLINING A SUPERVISING PHYSICIAN OR A PHYSICIAN ASSISTANT-CERTIFIED; ELIMINATING THE TIME RESTRICTION ON LOCUM TENENS PRACTICE; EXEMPTING-A SUPERVISED-PHYSICIAN-ASSISTANT--STUDENT--FROM--THE--APPROVAL REQUIREMENT;--AND REQUIRING THE BOARD TO DEVELOP RULES REGARDING PHYSICIAN ASSISTANT STUDENTS; AMENDING SECTIONS 37-20-104, 37-20-202, AND 37-20-301, ANB-37-20-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS NECESSARY FOR THIS BILL BECAUSE 37-20-202(5) REQUIRES THE BOARD OF MEDICAL EXAMINERS TO DEVELOP RULES PERTINENT TO THE TRAINING OF PHYSICIAN ASSISTANT STUDENTS IN MONTANA. IT IS INTENDED THAT THE RULES ADDRESS THE KIND AND AMOUNT OF SUPERVISION REQUIRED FOR PHYSICIAN ASSISTANT STUDENTS AND OTHER ASPECTS OF STUDENT TRAINING THE BOARD CONSIDERS PERTINENT.

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

Section 1. Section 37-20-104, MCA, is amended to read:

*37-20-104. Penalty -- enforcement. (1) Any person who employs a physician assistant-certified or holds himself out to be a physician assistant-certified without the approval of the Montana state board of medical examiners is guilty of a misdemeanor and is punishable as provided in 46-18-212.

(2) In addition to seeking any criminal penalty available under this section, the board may withdraw-its approval-of-any-utilization-plan-previously--approved--which is--applicable--to, in the manner set out in subsection (3) and after notice and opportunity for hearing, discipline any supervising physician or physician assistant-certified who:

- (a) acts in violation of this section;
- (b) obtained the approval of the board by fraud;
- (c) acts in a manner contrary to the terms of the utilization plan; or

(d) violates any of the applicable provisions of this chapter or rules of the board adopted thereunder.

(3) If the board finds that the supervising physician or the physician assistant-certified has violated any provision of subsection (2), the board may:

- (a) revoke his license or approval, as applicable;
- (b) suspend his right to practice for a period not to exceed 1 year;
- (c) suspend its judgment of revocation on terms and



1 conditions determined by the board;

2 (d) place him on probation;

3 (e) impose a fine, not to exceed \$500 for each
 4 violation; or

5 (f) take other action it considers proper.

6 †3†(4) The board may enforce the provisions of this
 7 section by the remedy of injunction."

8 **Section 2.** Section 37-20-301, MCA, is amended to read:

9 "37-20-301. Utilization plan required -- contents --
 10 approval. (1) A physician, office, firm, state institution,
 11 or professional service corporation may not employ or make
 12 use of the services of a physician assistant-certified in
 13 the practice of medicine, as defined in 37-3-102, and a
 14 physician assistant-certified may not be employed or
 15 practice as a physician assistant-certified unless the
 16 physician assistant-certified:

17 (a) is supervised by a licensed physician;

18 (b) has been approved by the Montana state board of
 19 medical examiners; and

20 (c) has received board approval of a physician
 21 assistant-certified utilization plan.

22 (2) A physician assistant-certified utilization plan
 23 must set forth in detail the following information:

24 (a) the name and qualifications of the supervising
 25 physician, as provided in 37-20-101, and the name and

1 approval number of the physician assistant-certified;

2 (b) the nature and location of the physician's medical
 3 practice;

4 (c) the duties to be delegated to the physician
 5 assistant-certified and the location in which those duties
 6 are to be performed;

7 (d) the name and qualifications of a second physician
 8 meeting the requirements of 37-20-101 to serve in the place
 9 of the supervising physician in the event that the
 10 supervising physician is unable to supervise the physician
 11 assistant-certified temporarily;

12 (e) necessary guidelines describing the intended
 13 availability of the supervising or alternate physician for
 14 consultation by the physician assistant-certified; and

15 (f) other information the board may consider necessary.

16 (3) The board shall approve the utilization plan if it
 17 finds that the duties to be delegated to the physician
 18 assistant-certified are:

19 (a) assigned by the supervising physician;

20 (b) within the scope of the training, knowledge,
 21 experience, and practice of the supervisory physician; and

22 (c) within the scope of the training, knowledge,
 23 education, and experience of the physician
 24 assistant-certified.

25 (4) A supervising physician and a physician

1 assistant-certified may submit a new or additional
2 utilization plan to the board for approval without
3 reestablishing the criteria set out in 37-20-402, as long as
4 the information requirements of subsection (2) have been met
5 and the appropriate fee provided for in 37-20-302(1) has
6 been paid.

7 (5) A utilization plan may provide that a physician
8 assistant-certified be allowed to furnish services on a
9 locum tenens basis at a location other than the physician
10 assistant-certified's primary place of practice for a period
11 not to exceed 30 calendar days. A locum tenens utilization
12 plan may be approved by a single board member."

13 ~~Section 3. Section 37-20-303, MCA, is amended to read:~~

14 ~~"37-20-303. Exemptions from approval requirement: (1)~~
15 ~~This chapter does not require the approval of a physician~~
16 ~~assistant-certified utilization plan or locum tenens~~
17 ~~utilization plan with respect to any acts within the~~
18 ~~professional competence of a person licensed under the~~
19 ~~provisions of Title 37, chapters 3 through 17, 31, or 32.~~

20 ~~(2) This chapter does not require the approval of a~~
21 ~~utilization plan for a physician assistant student in~~
22 ~~training as long as the training is supervised by a licensed~~
23 ~~physician or physician assistant certified approved under~~
24 ~~this chapter."~~

25 SECTION 3. SECTION 37-20-202, MCA, IS AMENDED TO READ:

1 "37-20-202. Adoption of rules. The board of medical
2 examiners shall adopt administrative rules to implement the
3 provisions of this chapter that:

4 (1) address the issues of supervision and direction
5 limitations and requirements;

6 (2) address the issue of protocols for interaction of
7 medical personnel with differing responsibilities;

8 (3) specify that a physician may not utilize more than
9 one physician assistant-certified unless he can demonstrate
10 to the board the ability to supervise more than one
11 assistant adequately;

12 (4) address other considerations pertinent to the
13 approval of physician assistant-certified utilization plans
14 and locum tenens utilization plans, and the health care
15 needs of the public;

16 (5) address physician assistant training in Montana."

17 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS
18 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

SENATE BILL NO. 311
INTRODUCED BY WEEDING

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW REGARDING THE LICENSURE AND PRACTICE OF PHYSICIAN ASSISTANTS-CERTIFIED; CLARIFYING METHODS AVAILABLE TO THE BOARD OF MEDICAL EXAMINERS FOR DISCIPLINING A SUPERVISING PHYSICIAN OR A PHYSICIAN ASSISTANT-CERTIFIED; ELIMINATING THE TIME RESTRICTION ON LOCUM TENENS PRACTICE; EXEMPTING-A SUPERVISED-PHYSICIAN-ASSISTANT--STUDENT--FROM--THE--APPROVAL REQUIREMENT;--AND REQUIRING THE BOARD TO DEVELOP RULES REGARDING PHYSICIAN ASSISTANT STUDENTS; AMENDING SECTIONS 37-20-104, 37-20-202, AND 37-20-301, AND 37-20-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A STATEMENT OF INTENT IS NECESSARY FOR THIS BILL BECAUSE 37-20-202(5) REQUIRES THE BOARD OF MEDICAL EXAMINERS TO DEVELOP RULES PERTINENT TO THE TRAINING OF PHYSICIAN ASSISTANT STUDENTS IN MONTANA. IT IS INTENDED THAT THE RULES ADDRESS THE KIND AND AMOUNT OF SUPERVISION REQUIRED FOR PHYSICIAN ASSISTANT STUDENTS AND OTHER ASPECTS OF STUDENT TRAINING THE BOARD CONSIDERS PERTINENT.

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

Section 1. Section 37-20-104, MCA, is amended to read:

"37-20-104. Penalty -- enforcement. (1) Any person who employs a physician assistant-certified or holds himself out to be a physician assistant-certified without the approval of the Montana state board of medical examiners is guilty of a misdemeanor and is punishable as provided in 46-18-212.

(2) In addition to seeking any criminal penalty available under this section, the board may withdraw its approval of any utilization plan previously approved which is applicable to, in the manner set out in subsection (3) and after notice and opportunity for hearing, discipline any supervising physician or physician assistant-certified who:

- (a) acts in violation of this section;
- (b) obtained the approval of the board by fraud;
- (c) acts in a manner contrary to the terms of the utilization plan; or
- (d) violates any of the applicable provisions of this chapter or rules of the board adopted thereunder.

(3) If the board finds that the supervising physician or the physician assistant-certified has violated any provision of subsection (2), the board may:

- (a) revoke his license or approval, as applicable;
- (b) suspend his right to practice for a period not to exceed 1 year;
- (c) suspend its judgment of revocation on terms and



1 conditions determined by the board;

2 (d) place him on probation;

3 (e) impose a fine, not to exceed \$500 for each
4 violation; or

5 (f) take other action it considers proper.

6 ~~f3~~(4) The board may enforce the provisions of this
7 section by the remedy of injunction."

8 **Section 2.** Section 37-20-301, MCA, is amended to read:

9 **"37-20-301. Utilization plan required -- contents --**
10 **approval.** (1) A physician, office, firm, state institution,
11 or professional service corporation may not employ or make
12 use of the services of a physician assistant-certified in
13 the practice of medicine, as defined in 37-3-102, and a
14 physician assistant-certified may not be employed or
15 practice as a physician assistant-certified unless the
16 physician assistant-certified:

17 (a) is supervised by a licensed physician;

18 (b) has been approved by the Montana state board of
19 medical examiners; and

20 (c) has received board approval of a physician
21 assistant-certified utilization plan.

22 (2) A physician assistant-certified utilization plan
23 must set forth in detail the following information:

24 (a) the name and qualifications of the supervising
25 physician, as provided in 37-20-101, and the name and

1 approval number of the physician assistant-certified;

2 (b) the nature and location of the physician's medical
3 practice;

4 (c) the duties to be delegated to the physician
5 assistant-certified and the location in which those duties
6 are to be performed;

7 (d) the name and qualifications of a second physician
8 meeting the requirements of 37-20-101 to serve in the place
9 of the supervising physician in the event that the
10 supervising physician is unable to supervise the physician
11 assistant-certified temporarily;

12 (e) necessary guidelines describing the intended
13 availability of the supervising or alternate physician for
14 consultation by the physician assistant-certified; and

15 (f) other information the board may consider necessary.

16 (3) The board shall approve the utilization plan if it
17 finds that the duties to be delegated to the physician
18 assistant-certified are:

19 (a) assigned by the supervising physician;

20 (b) within the scope of the training, knowledge,
21 experience, and practice of the supervisory physician; and

22 (c) within the scope of the training, knowledge,
23 education, and experience of the physician
24 assistant-certified.

25 (4) A supervising physician and a physician

1 assistant-certified may submit a new or additional
2 utilization plan to the board for approval without
3 reestablishing the criteria set out in 37-20-402, as long as
4 the information requirements of subsection (2) have been met
5 and the appropriate fee provided for in 37-20-302(1) has
6 been paid.

7 (5) A utilization plan may provide that a physician
8 assistant-certified be allowed to furnish services on a
9 locum tenens basis at a location other than the physician
10 assistant-certified's primary place of practice for a period
11 not to exceed 30 calendar days. A locum tenens utilization
12 plan may be approved by a single board member."

13 ~~Section 3. Section 37-20-303, MCA, is amended to read:~~

14 ~~"37-20-303. Exemptions from approval requirement: (1)~~
15 ~~This chapter does not require the approval of a physician~~
16 ~~assistant-certified utilization plan or locum tenens~~
17 ~~utilization plan with respect to any acts within the~~
18 ~~professional competence of a person licensed under the~~
19 ~~provisions of Title 37, chapters 3 through 17, 31, or 32.~~

20 ~~(2) This chapter does not require the approval of a~~
21 ~~utilization plan for a physician assistant student in~~
22 ~~training as long as the training is supervised by a licensed~~
23 ~~physician or physician assistant certified approved under~~
24 ~~this chapter."~~

25 SECTION 3. SECTION 37-20-202, MCA, IS AMENDED TO READ:

1 "37-20-202. Adoption of rules. The board of medical
2 examiners shall adopt administrative rules to implement the
3 provisions of this chapter that:

4 (1) address the issues of supervision and direction
5 limitations and requirements;

6 (2) address the issue of protocols for interaction of
7 medical personnel with differing responsibilities;

8 (3) specify that a physician may not utilize more than
9 one physician assistant-certified unless he can demonstrate
10 to the board the ability to supervise more than one
11 assistant adequately;

12 (4) address other considerations pertinent to the
13 approval of physician assistant-certified utilization plans
14 and locum tenens utilization plans, and the health care
15 needs of the public;

16 (5) address physician assistant training in Montana."

17 NEW SECTION. SECTION 4. EFFECTIVE DATE. [THIS ACT] IS

18 EFFECTIVE ON PASSAGE AND APPROVAL.

-End-

STATE OF MONTANA - FISCAL NOTE
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0312, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill adds one full-time field investigator to the Department of Fish, Wildlife and Parks, Law Enforcement Division.

ASSUMPTIONS:

1. The position would be a grade 15 step 6 (\$33,710/year)
2. Operating costs associated with the position would be \$15,000.
3. Equipment for the position would be \$10,000 in FY92 and \$5,000 in FY93.


FISCAL IMPACT:


Department of Fish, Wildlife, and Parks:

	FY 92			FY 93		
	<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	0.00	1.00	1.00	0.00	1.00	1.00
Personal Services	0	33,710	33,710	0	33,710	33,710
Operating Costs	0	15,000	15,000	0	15,000	15,000
Equipment	0	10,000	10,000	0	5,000	5,000
Total	0	58,710	58,710	0	53,710	53,710
<u>Funding:</u>						
General License Acct. (02)	0	58,710	58,710	0	53,710	53,710

TECHNICAL NOTES:

The Appropriations Subcommittee on Natural Resources has added one field investigator position to the Law Enforcement budget.


 ROD SUNDSTED, BUDGET DIRECTOR DATE 2-13-91
 Office of Budget and Program Planning


 BILL YELLOWTAIL, PRIMARY SPONSOR DATE 2/14/91

Fiscal Note for SB0312, as introduced

SB 312

APPROVED BY COMMITTEE
ON TAXATION

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; 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."

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.

(3) In judicial districts comprising more than one county, the reporter is allowed, in addition to the salary

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

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

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

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

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

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

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

1 stenographic notes of the testimony and proceedings of the
 2 trial or hearing or a part thereof of the trial or hearing,
 3 upon payment by the person requiring the same transcript of
 4 \$2 per page for the original transcript, 50 cents per page
 5 for the first copy, and 25 cents per page for each
 6 additional copy.

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

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

25 (4) If it appears to the judge that a defendant in a

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

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

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

11 (a) the following district court expenses in criminal
 12 cases only:

- 13 (i) salaries of court reporters;
- 14 (ii) transcripts of proceedings;
- 15 (iii) witness fees and necessary expenses;
- 16 (iv) juror fees;
- 17 (v) indigent defense; and
- 18 (vi) psychiatric examinations;

19 (b) the following youth court expenses only:

- 20 (i) court costs and other expenses set forth in
 21 41-5-207;
- 22 (ii) salaries, fringe benefits, and expenses of chief
 23 probation officers and deputy probation officers as set
 24 forth in 41-5-704 and 41-5-705;
- 25 (iii) salaries and fringe benefits of support staff

1 working under direct supervision of chief probation
2 officers; and

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

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

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

14 ~~{3}--(a)-if-money-appropriated-for-the--expenses--listed~~
15 ~~in-subsection-(1):~~

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

19 ~~{ii)--is--insufficient--to-fully-fund-those-expenses;--the~~
20 ~~county-is-responsible-for-payment-of-the-balance;~~

21 ~~{b)--if--no--money--is--appropriated;--the---county---is~~
22 ~~responsible-for-payment-of-all-expenses."~~

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

24 "3-5-902. Fiscal administration for payment of court
25 expenses. The department of commerce shall:

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

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

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

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

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

23 (a) all expenditures from the district court fund have
24 been lawfully made;

25 (b) transfers from the district court fund have not

1 been or will not be made to any other fund; and

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

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

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

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

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

24 (5) The department of commerce shall notify each county
25 that applied for state reimbursement payments as soon as

1 possible of the amount of the state payment.

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

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

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

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

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

25 (2) If the amount of funds appropriated for the second

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

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

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

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

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

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

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

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

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

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

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

25 (3) For all authorized travel incident to his official

1 duties in connection with the investigation, supervision,
 2 and transportation of youth, the chief probation officer
 3 shall, in addition to his office salary, be reimbursed as
 4 provided in 2-18-501 through 2-18-503."

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

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

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

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

23 (b) when there has been an arrest by agents of the
 24 department of fish, wildlife, and parks or agents of the
 25 department of justice and the charge is prosecuted by

1 personnel of the state agency that made the charge, the
 2 expense must be borne by the prosecuting state agency."

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

4 "46-8-202. Public defender's office. Any A county
 5 through its board of county commissioners may provide for
 6 the creation of a public defender's office and the
 7 appointment of a salaried public defender and ~~such~~ assistant
 8 public defenders as may be necessary to satisfy the legal
 9 requirements in providing counsel for defendants unable to
 10 employ counsel. The costs of ~~such~~ the office shall must be
 11 at state expense payable according to procedures established
 12 under 3-5-902(1) ~~and, to the extent those costs are not paid~~
 13 ~~by the state, at county expense in accordance with~~
 14 ~~3-5-902(3) and 3-5-902(1).~~"

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

16 "61-3-321. Registration fees of vehicles --
 17 public-owned vehicles exempt from license or registration
 18 fees -- disposition of fees. (1) Registration or license
 19 fees must be paid upon registration or reregistration of
 20 motor vehicles, trailers, housetrailers, and semitrailers,
 21 in accordance with this chapter, as follows:

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

24 (b) motor vehicles weighing over 2,850 pounds (other
 25 than motortrucks), ~~\$10~~ \$13;

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

2 (d) all motorcycles and quadricycles, ~~\$2~~ \$5;

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

4 (f) buses are classed as motortrucks and licensed
 5 accordingly;

6 (g) trailers and semitrailers less than 2,500 pounds
 7 maximum gross loaded weight and housetrailers of all
 8 weights, ~~\$2~~ \$5;

9 (h) trailers and semitrailers over 2,500 up to 6,000
 10 pounds maximum gross loaded weight (except housetrailers),
 11 \$5;

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

14 (j) trailers used exclusively in the transportation of
 15 logs in the forest or in the transportation of oil and gas
 16 well machinery, road machinery, or bridge materials, new and
 17 secondhand, \$15 annually, regardless of size or capacity.

18 (2) All rates are 25% higher for motor vehicles,
 19 trailers, and semitrailers not equipped with pneumatic
 20 tires.

21 (3) "Tractor", as specified in this section, means any
 22 motor vehicle, except passenger cars, used for towing a
 23 trailer or semitrailer.

24 (4) If any motor vehicle, housetrailer, trailer, or
 25 semitrailer is originally registered 6 months after the time

1 of registration as set by law, the registration or license
2 fee for the remainder of the year is one-half of the regular
3 fee.

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

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

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

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

24 (9) The county treasurer shall deduct \$3 as a district
25 court fee from the fee collected in subsections (1)(a),

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

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

10 **"61-3-325. Vehicles subject to staggered registration**
11 **-- fees and taxes -- disposition. (1) Any motor vehicle in**
12 **the fleet that is subject to staggered registration under**
13 **61-3-313 through 61-3-316 may be registered as part of the**
14 **fleet on the following fleet renewal date. The department of**
15 **highways shall collect the remaining fees and taxes due for**
16 **the registration year after crediting the registrant for the**
17 **period that was previously paid.**

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

21 (b) The department of highways shall also collect a
22 registration fee of \$7.50 for each motor vehicle in the
23 fleet in lieu of the registration fee provided for in
24 61-3-321. The department shall retain \$4.50 of each
25 registration fee for administrative costs and forward the

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

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

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

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

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

1 district, and municipal purposes in the same manner as
 2 personal property taxes are distributed.

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

23 ~~NEW SECTION: Section 13. Appropriation. The following~~
 24 ~~is appropriated to the department of commerce for state~~
 25 ~~payments set forth in 3-5-901 and for state reimbursements~~

1 ~~set forth in {section 5}~~

2 ~~{1}--Vehicle license fee money collected under 61-3-509~~
3 ~~and deposited in the general fund for funding district~~
4 ~~courts is appropriated from the general fund to the~~
5 ~~department of commerce;~~

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

8 ~~{b}--for the fiscal year beginning June 30, 1992, in the~~
9 ~~amount of \$27,900,000;~~

10 ~~{2}--Money from the general fund is appropriated to the~~
11 ~~department of commerce for each of the fiscal years of the~~
12 ~~biennium in an annual amount of \$27,500,000.~~

13 NEW SECTION. **Section 15.** Repealer. Sections 7-6-2352
14 and 41-5-104, MCA, are repealed.

15 NEW SECTION. **Section 16.** Effective date --
16 applicability. [This act] is effective July 1, 1991, and
17 applies to district court expenditures made after June 30,
18 1991.

-End-