

MINUTES OF THE MEETING
STATE ADMINISTRATION COMMITTEE
MONTANA STATE SENATE

January 13, 1987

The fourth meeting of the State Administration Committee was called to order by Chairman Jack Haffey on January 13, 1987 at 10:00 a.m. in Room 331 of the State Capitol.

ROLL CALL: All members of the committee were present except for Senator Harding who was excused.

EXECUTIVE ACTION ON SENATE BILL 7: Senator Hofman had checked on the costs of administering the \$10 license fee checks received and found it came to \$10.74 to process each check. Just because of this factor he felt there should be justification for an increase. Senator Abrams had checked with several attorneys and found some could afford the increase and others could not. Senator Anderson stated several he had visited with felt the \$2000 fee was too high and if it were to pass, would face a challenge in court. Senator Farrell had asked Eddy McClure to do some research and she gave the committee a brief background of the fee. She explained the fee was instituted in 1917 under the old constitution and in 1972 when the new constitution was passed it put all the authority for licensing and governing attorneys to the Supreme Court. The \$10 fee was never challenged probably because it was such a small amount. She felt there was a problem in the bill concerning separation of powers and of equal protection when you single out a single group as this bill does. Senator Haffey noted there is a bill before the House to raise the filing fees of attorneys with the money to be used to fund the district courts in the counties. Senator Farrell still wondered about the low income people who cannot afford to pay for the courts. Pat Melby, of the State Bar Association, stated the counties are not required to pay those fees and noted that in Lewis & Clark County, particularly, the courts are used mainly by the State of Montana and they do not have to pay filing fees either. Senator Haffey noted that funding of the district courts has been a growing concern for a number of years. He did not feel, however, that this was the most appropriate way to fund those courts. Senator Haffey stated there were many reasons not to pass this bill and some reasons why it cannot be passed and was not in favor. Senator Hofman still felt a raise to perhaps \$25 would be fair. Senator Abrams asked if the State Bar Association was going to raise its own fees and was told there is an increase being discussed to help the attorneys take on more of the responsibilities of the Supreme Court. The \$10 license fee simply helps to maintain a current list of practicing attorneys in the state.

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Senator Rasmussen MOVED that SENATE BILL 7 DO NOT PASS. Senator Abrams seconded. The motion passed with eight members voting yes and Senator Farrell voting no. Senator Harding abstained.

The meeting adjourned at 10:35 a.m.

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SENATOR JACK HAFHEY, Chairman

ROLL CALL

SENATE STATE ADMINISTRATION COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 1/13/87

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACK HAFHEY	X		
SENATOR WILLIAM FARRELL	X		
SENATOR LES HIRSCH	X		
SENATOR JOHN ANDERSON	X		
SENATOR J. D. LYNCH	X		
SENATOR ETHEL HARDING			X
SENATOR ELEANOR VAUGHN	X		
SENATOR SAM HOFMAN	X		
SENATOR HUBERT ABRAMS	X		
SENATOR TOM RASMUSSEN	X		

Each day attach to minutes.

STANDING COMMITTEE REPORT

JANUARY 13

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MR. PRESIDENT

We, your committee on **SENATE STATE ADMINISTRATION**

having had under consideration **SENATE BILL** No. **7**

first reading copy (**white**)
color

INCREASING ATTORNEY'S LICENSE TAX

Respectfully report as follows: That **SENATE BILL** No. **7**

~~DO NOT PASS~~

DO NOT PASS

SENATOR JACK HAFESY Chairman.