

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
54th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON TAXATION

Call to Order: By **CHAIRMAN CHASE HIBBARD**, on February 15, 1995,
at 8:00 a.m.

ROLL CALL

Members Present:

Rep. Chase Hibbard, Chairman (R)
Rep. Marian W. Hanson, Vice Chairman (Majority) (R)
Rep. Robert R. "Bob" Ream, Vice Chairman (Minority) (D)
Rep. Peggy Arnott (R)
Rep. John C. Bohlinger (R)
Rep. Jim Elliott (D)
Rep. Daniel C. Fuchs (R)
Rep. Hal Harper (D)
Rep. Rick Jore (R)
Rep. Judy Murdock (R)
Rep. Thomas E. Nelson (R)
Rep. Scott J. Orr (R)
Rep. Bob Raney (D)
Rep. John "Sam" Rose (R)
Rep. William M. "Bill" Ryan (D)
Rep. Roger Somerville (R)
Rep. Robert R. Story, Jr. (R)
Rep. Emily Swanson (D)
Rep. Jack Wells (R)
Rep. Kenneth Wennemar (D)

Members Excused: None.

Members Absent: None.

Staff Present: Lee Heiman, Legislative Council
Donna Grace, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 424
HB 176
HB 181

Executive Action: HB 424 - Do Pass as Amended
HB 176 - Do Pass as Amended
HB 449 - Do Pass as Amended

{Tape: 1; Side: A.}

HEARING ON HB 176

Opening Statement by Sponsor:

REP. TONI HAGENER, House District 90, Havre, said that HB 176 was being introduced at the request of the Judicial Unification and Finance Commission which was created by the 1993 legislative session in response to concerns raised by the State Bar of Montana and the Montana Association of Counties that Montana's courts were running out of money. The study revealed that 36 counties had District Court funding problems. HB 176 would address the problem of funding shortfalls by requiring that all courts of original jurisdiction impose a \$5 user surcharge on criminal, civil and probate cases to be used for funding of court information technology. **REP. HAGENER** stressed the importance of courts being able to keep up with the technological advances that will allow them to handle an increasing number of cases. She said there is no other source of funding.

Proponents' Testimony:

REP. ED GRADY, House District 55, Helena, said that the General Government Appropriations Sub-Committee, of which he is Chairman, had heard this bill. He said it is a worthy program but, rather than using general fund money, the Committee felt the people who use the system should support it; therefore, they did not provide funding. He asked the Taxation Committee to take a positive stand on the bill.

Bob Gilbert, representing the Montana Magistrates Association and the Montana Association of Clerks of District Courts, spoke in favor of the bill. He said there is a need to continue to automate the courts and he encouraged the Committee to pass the bill.

Pat Chenovick, Administrator for the Supreme Court, provided a list illustrating the status of supreme Court installed and supported computer systems in the judicial districts. EXHIBIT 1. At the present time 72 of a total of 224 courts in Montana are automated. **Mr. Chenovick** also distributed copies of letters from court clerks and judges who support this legislation. EXHIBIT 2. The ability of the courts to work effectively and efficiently is hampered by their inability to keep or disseminate information and provide statistics. As an example, he said a person could be charged with domestic violence or sexual abuse in one county and then go to another county and commit the same offense and that county would be unaware of the first offense. It is important that the courts have the ability to exchange this kind of information statewide. Passage of HB 176 would allow the courts to move into the age of technology and handle increased caseloads. **Mr. Chenovick** said that after June 30, 1995, his office will have no funds for court automation and, because of

this, he is finding it difficult to retain a permanent workforce. This bill would provide a permanent source of funding and he encouraged the Committee to support the bill.

Nancy Sweeney, Clerk of District Court, Lewis and Clark County, testified in favor of the bill. Her comments are attached as EXHIBIT 3. She said that Lewis and Clark County had served as a pilot program for automation of the district courts and it has been a very successful program. The automation has allowed them to maintain their staffing levels for 15 years.

{Tape: 1; Side: B.}

Gary Spaeth, State Bar of Montana, testified in support of the bill.

Gordon Morris, Montana Association of Counties, said he had testified in support of this bill before the Appropriations Committee because it would move Montana onto the super highway of information. He encouraged the Committee's favorable consideration.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

REP. WELLS inquired about the costs of automation. **Mr. Chenovick** said that it had cost \$1.1 million to automate the 72 sites. This included the purchase of hardware and the development of judicial case software as well as training and troubleshooting. Since they began the project five years ago, technology has advanced and there are now more features. Hardware costs to do the remaining sites would be \$2.6 million. With the revenue that this bill would generate, it will take three years to automate all sites and at that time, the sites that were installed five years ago will need to be upgraded. At the present time they are installing only the basics in order to get all courts on-line.

REP. WELLS asked how many employees were working on the project in the Court Administrator's office. **Mr. Chenovick** said five employees take care of the entire statewide system. **REP. WELLS** asked how these employees were funded. **Mr. Chenovick** said they had received \$560,000 in funding in the last biennium from funds that were "left over" in other budgets, one year from the Department of Community Services and one year from the Department of Social and Rehabilitative Services. He said this method of funding makes it difficult to do any planning.

REP. SOMERVILLE asked how valuable the information is that will be put on the system. **Mr. Chenovick** said the system will allow the courts to be able to take care of their case load. It will give the state information on the court system which may indicate

where effective changes can be made. It will give the district courts a better handle on restitution.

REP. SOMERVILLE asked if other alternatives had been considered in addition to the surcharge. **Mr. Chenovick** said the Commission had looked at how other states have funded their court functions and it appeared that the best way was to have the users pay to improve the system. They also discussed earmarking funds sent to the general fund by the courts but the surcharge seemed to be the most logical solution.

REP. ELLIOTT asked how the laws passed by the Legislature regarding crime affect the workload of the courts and whether they add to the expense of running the courts. **Mr. Chenovick** replied that, depending on the nature of the statute, there would be increases in the workload, especially in the district courts. Some of the laws being considered in this session, such as registration of sex offenders for life, will greatly affect the workload and is an instance where automation would have great importance. Without automation, it would be necessary to go to the court and search through handwritten records. Other laws might decrease the workload, depending on the Legislature.

REP. ARNOTT asked why the bill requires that the surcharge be collected and sent to the state rather than being retained in the court of original jurisdiction. **Mr. Chenovick** said the main reason was that they could assure that system would be uniform throughout the state and all information would be in the same format.

REP. MURDOCK asked if all the counties that are automated have the same equipment and software. **Mr. Chenovick** said that when the program started in 1986, Missoula and Cascade Counties had equipment in place. The court recognized that they had money invested and did not force them to move to a different system. Because they have programmers on staff, they are able to provide information in the appropriate format. As they upgrade, they will be consistent with the rest of the state.

Closing by Sponsor:

REP. HAGENER said she was sure that everyone on the Committee was aware of the changes computer technology has on everyone's life. She pointed out that the courts referred to are the courts of record which require registration of every action that occurs in the court. The technology revolution has just begun. She said the information handwritten into a \$1,200 book by the Clerk of Court would be stored on a CD-Rom costing \$15 and would be copied and stored at another location to prevent loss of valuable records. She said she hoped the Committee would concur with the necessity for providing a way to incorporate technology into the courts. She pointed out that a representative of the Workers Comp Court had pointed out that they are a court of original

jurisdiction and they would need to have an exemption in the bill which will be submitted as an amendment.

REP. SOMERVILLE requested, prior to executive action, a breakdown of how the fees paid into the court are distributed. Ms. Sweeney advised that she had that information and copies were provided to the Committee. EXHIBIT 4.

{Tape: 2; Side: A.}

HEARING ON HB 424

Opening Statement by Sponsor:

REP. BOB KEENAN, House District 75, Bigfork, opened the hearing by introducing Cort Harrington who would explain the bill.

Proponents' Testimony:

Cort Harrington, Montana County Treasurers Association, said the purpose of the bill is to correct a problem that arose with the major revision in property taxation which took place in 1987. Every year since the county treasurers have been trying to make improvements in the legislation. The change is minor and would require that before a 24-month redemption period would apply, there must be delinquent SIDs or RSIDs. An amendment to the bill has been suggested that would clarify that the 24-month redemption period would only apply if there are special improvement districts.

Lance Parks, Montana Association of Realtors, went on record in support of the bill.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

None.

Closing by Sponsor:

REP. KEENAN said he had closed.

HEARING ON HB 181

Opening Statement by Sponsor:

REP. JOHN COBB, House District 50, Augusta, said HB 181 would provide tax relief for low and moderate income households. The law is already on the books and this bill would raise the value of the home and amount of income which would be exempt at the

taxpayer's request. At the present time 42,000 households are eligible. The bill also requires that taxpayers must be informed, on the tax schedule, that they may be eligible for this exemption. The estimated number of households that would be \$1.8 million.

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Association, spoke in favor of the inclusion in the bill and said he did not want to affect families in Montana having incomes under \$100,000. He suggested collapsing the tax schedule would not apply to experience, the people having income would be in the \$9,000 - \$13,000 range as the total income source.

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Commissioner of Counties, went on record in support of the inclusion in the bill. He encouraged the overall need for tax reform.

Opp

None.

Questions From Committee Members and Responses:

REP. ELLIOTT said he noticed that the bill changed the market value from \$80,000 to \$100,000. Since 91% of the people in Montana live in houses with a value of less than \$80,000, he asked why this figure was raised. **REP. COBB** said that was the way the bill was drafted and he wasn't aware of any rationale for changing the amount. **REP. ELLIOTT** asked if the sponsor would agree to compress the schedule as suggested by Mr. Burr. **REP. COBB** said he would agree.

REP. ELLIOTT then asked if the concept contained in the bill was a part of the recommendations made by the Governor's Task Force on Property Tax. **REP. COBB** replied that it was. **REP. ELLIOTT** asked the sponsor if he would consider looking at the relationship between people receiving Social Security and home values and making recommendations. He said he thought that information had been developed by the U. S. Census Bureau. As an example, he suggested determining the number of people with incomes between \$10,000 and \$20,000 who own homes with a value of over \$100,000 as well as those under \$100,000. **REP. COBB** said he would try to obtain the information. **REP. ELLIOTT** then asked if the value of the home in relation to this bill was really important. **Mr. Burr** said he did not think it was but he would be willing to make some recommendations on the schedule.

CHAIRMAN HIBBARD said that, speaking for the Committee, the concept in HB 181 was one that should be considered; however, there are several other bills which have been heard, or will be

heard, and he would prefer to keep the bill in the Committee until all bills have been heard.

Closing by Sponsor:

REP. COBB, in closing, recognized that there were other bills and, as long as the concept is included in any bill coming from the Committee, he had no objection to the bill being held, and he also stated that he would have no objection to changes in the schedules.

EXECUTIVE ACTION ON HB 449

Motion/Vote:

REP. RYAN MOVED THAT THE PROPOSED AMENDMENTS TO HB 449 BE ADOPTED. The motion passed unanimously. EXHIBIT 5.

Discussion:

Mr. Heiman said another amendment had been proposed on page 5, line 24, following "becomes delinquent," the words "proceed either under sub-section (7) or" should be added. REP. SWANSON said this would provide an option to the county treasurer.

Motion/Vote:

REP. SWANSON MOVED THAT THE AMENDMENT BE ADOPTED. The motion passed unanimously.

Motion:

REP. RYAN MOVED THAT HB 449 AS AMENDED DO PASS.

Discussion:

REP. ROSE said he hoped the Committee was not becoming involved in a conflict between the DOR and the Auditor's Office.

REP. SWANSON said the decision to use the services of the Auditor's Office would be voluntary and no "squabble" would be involved.

Mr. Heiman explained that at the time the bill was drafted, a mistake was made because the Auditor's Office did not want to affect the DOR at all but accidentally did because of the wording in the bill and the amendments have corrected the error.

{Tape: 2; Side: B.}

Vote:

On a voice vote, the motion passed unanimously, 20 - 0.

EXECUTIVE ACTION ON HB 424

Motion:

REP. REAM MOVED THAT HB 424 DO PASS.

Discussion:

REP. HANSON said an amendment had been suggested by the Bozeman City Finance Manager which would make the bill more acceptable. REP. SWANSON explained that the amendment clarified that the bill would apply to SIDs and not TO all taxes. EXHIBIT 6.

Motion/Vote:

REP. HANSON MOVED THAT THE AMENDMENT TO HB 424 DO PASS. The motion passed unanimously.

Motion:

REP. REAM MOVED THAT HB 424 AS AMENDED DO PASS. The motion passed unanimously.

EXECUTIVE ACTION ON HB 176

Motion:

REP. WENNEMAR MOVED THAT HB 176 DO PASS.

Discussion:

CHAIRMAN HIBBARD said this bill had a thorough hearing in the Judiciary Committee where it was considered from the legal aspect and he reminded the Committee that its focus should be on tax policy. It was the Committee's responsibility to determine if it is appropriate to put this fee on users of the court system.

REP. ELLIOTT said there was also an issue of earmarking funds. He said there are many arguments for and against but, in this case, a fee would be imposed for a particular purpose, deposited in the general fund, and appropriated by the Legislature for a particular purpose. His concern was that there was no guarantee that the next Legislature would continue to fund the courts.

Motion:

REP. ELLIOTT MOVED TO AMEND THE BILL TO RE-INSERT LANGUAGE TO PROVIDE FOR A STATUTORY APPROPRIATION.

Discussion:

REP. NELSON spoke in favor of the amendment. From a philosophical standpoint, it is not the Committee's responsibility to determine whether the courts need computers or not because the Judiciary Committee determined that they did. The Taxation Committee's decision is funding. If it goes to the floor of the House, they can put the two issues together and make a decision.

REP. REAM said he had concerns about de-earmarking and asked how much funding for the district courts came from the general fund. Without objection, **Pat Chenovick, Court Administrator**, said the Court Administrator is funded entirely from general fund. No other fees going into the general fund support the district courts, other than the portion that goes to the judges' retirement fund.

REP. HANSON asked if each county would keep the fees if the money is de-earmarked.

REP. ELLIOTT said he understood that the bill, as amended, would provided that the fees would be paid into the general fund and there would be a statutory appropriation.

REP. WENNEMAR agreed that the amendment was a good idea. He said there are arguments on both sides about de-earmarking, but it is the Committee's responsibility to see that the money goes where intended.

Vote:

On a voice vote, the amendments passed unanimously.

Discussion:

REP. ORR spoke against the bill because it is a user fee, but not a voluntary user fee. It is only \$5 but still adds up to \$1 million. He said the Judicial Unification and Finance Commission had worked on the issues and made a lot of suggestions, but they did not address efficiency. He also objected to the bill because the fee will stay on forever and there will be requests from the judicial system for higher fees because they "need more and better stuff."

REP. ELLIOTT argued that Rep. Orr's concerns were not for this Legislature to decide. It was not appropriate for this Legislature to make a decision that would preempt the decision of a future Legislature.

REP. ARNOTT said she agreed that efficiency should be addressed.

REP. NELSON referred to the list of sponsors of the bill and noted that many of those listed were closely related to the Appropriations Committee and it was their job to look at efficiencies. They have identified that there is a need and the

Taxation Committee must decide if the funding mechanism is appropriate.

REP. ELLIOTT said that with automation there will undoubtedly be increased efficiency in the courts but he pointed out that the additional money and FTEs are needed to implement the efficiency. It would be hard to determine how much money will eventually be saved because the workload of the courts is increasing. He said the axiom that "you have to spend money to make money" would be appropriate.

REP. SOMERVILLE said he liked the concept in the bill.

Motion/Vote:

REP. SOMERVILLE MOVED TO AMEND THE BILL TO ADD A SUNSET DATE AS OF JUNE 30, 1999. On a voice vote, the motion passed, 14 - 6.

Motion:

REP. WENNEMAR MOVED THAT HB 176 AS AMENDED DO PASS.

Discussion:

REP. WENNEMAR said there would be greater efficiency with the computers although it will require ten FTEs. The inefficiency of the current system is that it is difficult to locate information such as previous DUI or abuse citations in another county where there is reliance on a handwritten system.

CHAIRMAN HIBBARD said it was becoming apparent that funding for district courts was on a poor foundation because they are funded by a sales tax on vehicles. Now there is a request for fees because there is a partially completed computer system that has been funded from "small pots of money that were found here and there." He commented that at some time it will be necessary to find sound, broad-based funding for the district court system.

REP. ORR said the discussion was moving into the philosophy and efficiency of the court system. He commented that with society becoming more litigious, if the court system becomes more efficient, it will encourage more litigation. He said the bill is a "lawyer's relief act."

{Tape: 3; Side: A;.}

Vote:

On a roll call vote, the do pass as amended motion passed, 15 - 5.

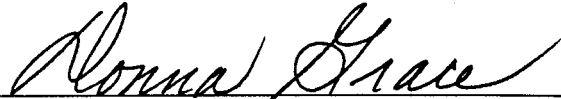
REP. REAM, Minority Vice Chair, expressed appreciation to Chairman Hibbard from the minority party for the good job he had done. He also acknowledged the majority members of the Committee and commented on the excellent discussions of tax policy that had been taken place in the Committee without any rancor. He was pleased to say it had been one of the best Taxation Committees he had served on in recent years, irregardless of who had been in the majority.

ADJOURNMENT

Adjournment: 10:15 a.m.



CHASE HIBBARD, Chairman



DONNA GRACE, Secretary

CH/dg

HOUSE OF REPRESENTATIVES

Taxation

ROLL CALL

DATE 2/15/95

NAME	PRESENT	ABSENT	EXCUSED
Rep. Chase Hibbard, Chairman	✓		
Rep. Marian Hanson, Vice Chairman, Majority	✓		
Rep. Bob Ream, Vice Chairman, Minority	✓		
Rep. Peggy Arnott	✓		
Rep. John Bohlinger	✓		
Rep. Jim Elliott	✓		
Rep. Daniel Fuchs	✓		
Rep. Hal Harper	✓		
Rep. Rick Jore	✓		
Rep. Judy Rice Murdock	✓		
Rep. Tom Nelson	✓		
Rep. Scott Orr	✓		
Rep. Bob Raney	✓		
Rep. Sam Rose	✓		
Rep. Bill Ryan	✓		
Rep. Roger Somerville	✓		
Rep. Robert Story	✓		
Rep. Emily Swanson	✓		
Rep. Jack Wells	✓		
Rep. Ken Wennemar	✓		



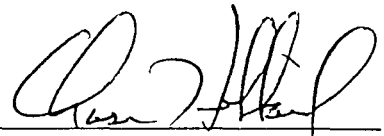
HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Taxation** report that **House Bill 424** (first reading copy -- white) do pass as amended.

Signed: _____


Chase Hibbard, Chair

And, that such amendments read:

1. Page 1, line 17.
Strike: "taxes"
Strike: "and"

-END-

Committee Vote:
Yes 20, No 0.

391256SC.Hbk



HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 3

Mr. Speaker: We, the committee on Taxation report that House Bill 176 (first reading copy -- white) do pass as amended.

Signed: _____

A handwritten signature in black ink, appearing to read "Chase Hibbard".

Chase Hibbard, Chair

And, that such amendments read:

1. Title, line 7.

Strike: "MUST BE DEPOSITED IN THE STATE GENERAL FUND AND IS INTENDED TO"

2. Title, line 9.

Following: "~~MCA~~;"

Insert: "PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTION 17-7-502, MCA;"

Following: "DATE"

Insert: "AND A TERMINATION DATE"

3. Page 1, lines 27 and 28.

Strike: "STATE" on line 27 through "USED" on line 28

Insert: "account established in [section 2]"

4. Page 1, line 29.

Insert: "NEW SECTION. Section 2. Account established for court information technology -- statutory appropriation. (1) There is an account in the state special revenue fund for state funding of court information technology.

(2) Money collected pursuant to [section 1] must be deposited in this account.

(3) Money in this account is statutorily appropriated, as provided in 17-7-502, to the supreme court to be used for state funding of court information technology.

Section 3. Section 17-7-502, MCA, is amended to read:

Committee Vote:

Yes 15, No 5.

391254SC.Hbk

"17-7-502. Statutory appropriations -- definition --
requisites for validity. (1) A statutory appropriation is an
appropriation made by permanent law that authorizes spending by a
state agency without the need for a biennial legislative
appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective,
a statutory appropriation must comply with both of the following
provisions:

(a) The law containing the statutory authority must be
listed in subsection (3).

(b) The law or portion of the law making a statutory
appropriation must specifically state that a statutory
appropriation is made as provided in this section.

(3) The following laws are the only laws containing
statutory appropriations: 2-9-202; 2-17-105; 2-18-812; 3-5-901;
[section 2]; 5-13-403; 10-3-203; 10-3-312; 10-3-314; 10-4-301;
15-1-111; 15-23-706; 15-25-123; 15-31-702; 15-36-112; 15-37-117;
15-38-202; 15-65-121; 15-70-101; 16-1-404; 16-1-410; 16-1-411;
17-3-106; 17-3-212; 17-5-404; 17-5-424; 17-5-704; 17-5-804;
17-6-101; 17-6-201; 17-6-409; 17-7-304; 18-11-112; 19-2-502;
19-6-709; 19-9-1007; 19-15-101; 19-17-301; 19-18-512; 19-18-513;
19-18-606; 19-19-205; 19-19-305; 19-19-506; 20-4-109; 20-8-111;
20-9-361; 20-26-1403; 20-26-1503; 23-2-823; 23-5-136; 23-5-306;
23-5-409; 23-5-610; 23-5-612; 23-5-631; 23-7-301; 23-7-402;
27-12-206; 32-1-537; 37-43-204; 37-51-501; 39-71-503; 39-71-907;
39-71-2321; 39-71-2504; 44-12-206; 44-13-102; 50-5-232;
50-40-206; 53-6-150; 53-24-206; 60-2-220; 61-2-107; 67-3-205;
75-1-1101; 75-5-507; 75-5-1108; 75-11-313; 76-12-123; 77-1-808;
80-2-103; 80-2-222; 80-4-416; 80-11-310; 81-5-111; 82-11-136;
82-11-161; 85-1-220; 85-20-402; 90-3-301; 90-4-215; 90-6-331;
90-7-220; 90-9-306; and 90-14-107.

(4) There is a statutory appropriation to pay the
principal, interest, premiums, and costs of issuing, paying, and
securing all bonds, notes, or other obligations, as due, that
have been authorized and issued pursuant to the laws of Montana.
Agencies that have entered into agreements authorized by the laws
of Montana to pay the state treasurer, for deposit in accordance
with 17-2-101 through 17-2-107, as determined by the state
treasurer, an amount sufficient to pay the principal and interest
as due on the bonds or notes have statutory appropriation
authority for the payments. (In subsection (3): pursuant to sec.
7, Ch. 567, L. 1991, the inclusion of 19-6-709 terminates upon
death of last recipient eligible for supplemental benefit; and
pursuant to sec. 15, Ch. 534, L. 1993, the inclusion of 90-14-107
terminates July 1, 1995.) ""

Renumber: subsequent sections

5. Page 3, line 8.

Following: "~~1~~"
Insert: "(1)"

6. Page 3, line 12.

Insert: "(2) [Section 2] is intended to be codified as an
integral part of Title 3, chapter 5, part 9, and the
provisions of Title 3, chapter 5, part 9, apply to [section
2]."

7. Page 3, line 13.

Following: "date"
Insert: "-- termination date"
Following: "date."
Insert: "(1)"

8. Page 3, line 14.

Insert: "(2) [This act] terminates June 30, 1999."

-END-

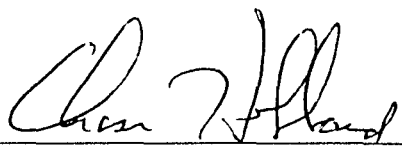


HOUSE STANDING COMMITTEE REPORT

February 15, 1995

Page 1 of 1

Mr. Speaker: We, the committee on **Taxation** report that **House Bill 449** (first reading copy -- white) do pass as amended.

Signed: 
Chase Hibbard, Chair

And, that such amendments read:

1. Page 3, line 23.
Strike: "state auditor"
Insert: "department of revenue"
2. Page 3, line 24.
Strike: "agencies. The state auditor"
Insert: "the state. The department"
3. Page 3, line 25.
Page 3, line 28.
Page 4, line 2.
Strike: "state auditor"
Insert: "department"
4. Page 3, line 30 through page 4, line 1.
Strike: "A" on page 3, line 30 through "office." on page 4, line 1
5. Page 5, line 24.
Following: "delinquent,"
Insert: "either proceed under subsection (7) or"

-END-

Committee Vote:
Yes 20, No 0.

391257SC.Hbk

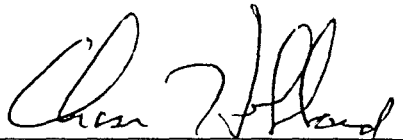


HOUSE STANDING COMMITTEE REPORT

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Strike: "state auditor"
Insert: "department"
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Strike: "A" on page 3, line 30 through "office." on page 4, line 1
Insert: "either proceed under subsection (7) or"
5. Page 5, line 24.
Following: "delinquent,"
Insert: "either proceed under subsection (7) or"

-END-

Committee Vote:
Yes 10, No 0.

391257SC.Hbk

HOUSE OF REPRESENTATIVES

ROLL CALL VOTE

DATE 2/15/95 BILL NO. 176 NUMBER _____

MOTION: No Pass as Amended

NAME	YES	NO
Vice Chairman Marian Hanson	✓	
Vice Hairman Bob Ream	✓	
Rep. Peggy Arnott	✓	
Rep. John Bohlinger	✓	
Rep. Jim Elliott	✓	
Rep. Daniel Fuchs	✓	
Rep. Hal Harper	✓	
Rep. Rick Jore		✓
Rep. Judy Rice Murdock	✓	
Rep. Tom Nelson	✓	
Rep. Scott Orr		✓
Rep. Bob Raney	✓	
Rep. Sam Rose	✓	
Rep. Bill Ryan		✓
Rep. Roger Somerville		✓
Rep. Robert Story	✓	
Rep. Emily Swanson	✓	
Rep. Jack Wells		✓
Rep. Ken Wennemar	✓	
Chairman Chase Hibbard	✓	

15

5

SUPREME COURT INSTALLED AND SUPPORTED COMPUTER SYSTEMS IN MONTANA'S JUDICIAL DISTRICTS
As of January 18, 1995

EXHIBIT 1
DATE 2/15/95
HB 176

District	Courts	Location	System
1st	6	Montana Supreme Court, Court Admin, Law Library Lewis & Clark Co. DC, JP & City Courts Broadwater Co. JP/City Court, Townsend	Novell Network - 45 Workstations Novell Network - 24 Workstations 1 Standalone Workstation
3rd	5	Deer Lodge Co. Clerk of DC, Anaconda Deer Lodge Co. JP, Anaconda Granite Co. Clerk of DC, Philipsburg Powell Co. DC & JP, Deer Lodge	1 Standalone Workstation 1 Standalone Workstation 1 Standalone Workstation Novell Network - 8 Workstations
4th	2	Missoula Co. Clerk of DC, Missoula Missoula Co. City Court, Missoula	Novell Network - 12 Workstations Novell Network - 7 Workstations
5th	5	Jefferson Co. Clerk of DC, Boulder Jefferson Co. JP Court, Boulder Madison Co. JP Court, Virginia City Madison Co. Clerk of DC, Virginia City Madison Co. Dist. Court Judge, Virginia City Beaverhead Co. Dist. Court Judge, Dillon	Novell Network - 3 Workstations 1 Standalone Workstation 1 Standalone Workstation 1 Standalone Workstation 1 Standalone Workstation 1 Standalone Workstation
6th	3	Park Co. DC, JP, City Courts, Co. Attorney, Livingston	Novell Network - 11 Workstations
7th	5	Dawson Co. Clerk of DC, Glendive McCone Co., Clerk of DC, Circle Richland Co., District Court, Sidney Richland Co., JP Court, Sidney Wibaux Co. District Court, Wibaux	Novell Network - 6 Workstations 1 Standalone Workstation 2 Standalone Workstations 2 Standalone Workstations 1 Standalone Workstation

8th	1	Cascade Co., Clerk of DC, Great Falls	7 Standalone Workstations (to be networked Spring 95)
9th	5	Glacier Co. Clerk of DC, Cut Bank Glacier Co. JP/City Court, Cut Bank Pondera Co. Clerk of DC, Conrad Pondera Co. JP, Conrad	Novell Network - 3 Workstations 1 Standalone Workstation 2 Standalone Workstations 1 Standalone Workstation
10th	3	Fergus Co. Clerk of DC, Lewistown Judith Basin Co. JP/City, Standford	1 Standalone Workstation 1 Standalone Workstation
11th	3	Flathead Co. DC & JP Courts, Co. Attorney, Kalispell Flathead Co. City Court, Kalispell	Novell Network - 30 Workstations Novell Network - 3 Workstation
12th	3	Chouteau Co. Clerk of DC, Fort Benton Hill Co. Clerk of DC, Havre Liberty Co. Clerk of DC, Chester	1 Standalone Workstation Novell Network - 6 Workstations 2 Standalone Workstations
13th	5	Big Horn Co. Clerk of DC, Hardin Carbon Co. DC & JP, Red Lodge Yellowstone Co. City Court, Laurel Yellowstone Co. District Court, Billings	2 Standalone Workstations Novell Network - 5 Workstations 1 Standalone Workstations Novell Network - 20 Workstations
14th	1	Musselshell Co. JP, Roundup	1 Standalone
15th	4	Roosevelt Co. Clerk of DC, Wolf Point Roosevelt Co. JP/City Court, Wolf Point Sheridan Co. JP, Plentywood	2 Standalone Workstations 1 Standalone Workstation 1 Standalone Workstation

16th	6	Custer Co. Clerk of DC, Miles City Custer Co. City Court, Miles City Fallon Co. Clerk of DC, Baker Powder River Co. Clerk of DC, Broadus Powder River Co. JP Court, Broadus Rosebud Co. JP, Colstrip	2 Standalone Workstations 1 Standalone Workstation Novell NetWare Lite - 2 Workstations 1 Standalone Workstation 1 Standalone Workstation 1 Standalone Workstation
17th	4	Blaine Co. Clerk of DC, Chinook Phillips Co. Clerk of DC, Malta Valley Co. Clerk of DC, Glasgow Valley Co. JP, Glasgow	Novell Netware Lite - 2 Workstations 1 Standalone Workstation 2 Standalone Workstations 1 Standalone Workstation
18th	4	Gallatin Co. District Court, Bozeman Gallatin Co. JP, Bozeman Gallatin City Court Montana Water Courts, Bozeman	Novell Network - 18 Workstations Novell Network - 4 Workstations Novell Network - 3 Workstations (DC?) Novell Network - 12 Workstations
19th	3	Lincoln Co. Clerk of DC, Libby Lincoln Co. JP Court, Libby Lincoln Co. JP Court, Eureka	Novell Network - 5 Workstations Novell Netware Lite - 4 Workstations Novell NetWare Lite - 2 Workstations
20th	2	Lake Co. District Court, Polson Sanders Co. Clerk of DC, Thompson Falls	Novell Network - 4 Workstations 1 Standalone Workstation
21st	2	Ravalli Co. Clerk of DC & JP Court, Hamilton	Novell Network - 11 Workstations
TOTAL	72		

EXHIBIT 2
DATE 2/15
HB 176

TED L. MIZNER
JUDGE OF THE DISTRICT COURT
409 Missouri Avenue
Deer Lodge, Montana 59722
(406) 846-3680, ext. 38
(406) 563-8421, ext. 222

THIRD JUDICIAL DISTRICT
Deer Lodge, Powell and
Granite Counties

BEVERLY GIANNONATTI
Court Reporter

February 10, 1995

Representative Chase Hibbard
State Capitol
Helena, Montana 59620

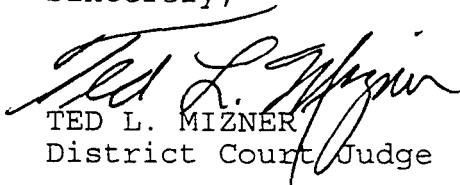
Re: Court Automation

Dear Representative Hibbard:

I am writing to urge your continued support of the Court Automation Program. Each of the three counties in my Judicial District have participated in the program over the years and have benefited greatly from the computer services that are now available. It is my opinion that these computer services will be essential to keep courts abreast of the ever-increasing caseloads. In Powell County the training on the new programs and equipment has just begun. Without the continued funding and training, the substantial investment and commitment made by the State and the County will be essentially lost. Please help us and the entire court system keep this critical automation program point.

Thank you for your consideration, and if you have questions, please call me at 846-3680 ext. 38.

Sincerely,


TED L. MIZNER
District Court Judge



GLACIER COUNTY

CUT BANK, MONTANA

MARY PHIPPEN
CLERK OF DISTRICT COURT
GLACIER COUNTY COURTHOUSE
512 EAST MAIN STREET
CUT BANK MT 59427
(406) 873-5063 Ext. 36

February 14, 1995

Chase Hibbard
Chair, Taxation Committee
State Capitol
Helena MT 59620

RE: HB 176 - "An Act Requiring All Courts Of Original Jurisdiction To Impose A User Surcharge In Criminal, Civil, and Probate Cases; Providing That The Surcharge Be Used For State Funding For Court Information Technology; Providing A Statutory Appropriation; Amending Section 17-7-502 MCA; And Providing An Effective Date."

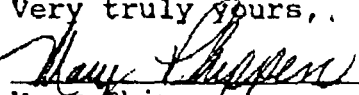
Dear Members of the Taxation Committee:

I am writing in SUPPORT of HB 176. The Glacier County District Court Clerk's Office has been advanced toward Court automation through the efforts of the Court Administrator's Office. In order to maintain adequate technical support and uniformity for statewide Court automation, assurance of continued funding is **ESSENTIAL**.

The proposed User Surcharge is an appropriate funding source to perfect statewide automation of the court system and a statutory appropriation will insure completion of this very difficult endeavor as well as provide a guarantee of future technical support and management of a statewide court automation program.

Your SUPPORT of HB 176 is requested and appreciated.

Very truly yours, .


Mary Phippen
Clerk of District Court

cc: Senator Delwyn O. Gage
Rep. Harriet Hayne
Rep. George Heavy Runner

CLERK OF THE DISTRICT COURT
RAVALLI COUNTY COURTHOUSE BOX 5014
HAMILTON MT 59840
Telephone (406) 363-1900

DEBBIE HARMON
Clerk

JUDITH A. VOIGT
Chief Deputy

MARY SAWYER
Deputy

MAUREEN WOFFORD
Deputy

JUDY ROUSE
Deputy

February 13, 1995

Attention: Chase Hibbard
Chairman of Committee of House Taxation

RE: HOUSE BILL 176

We urge you to support House Bill 176, which would provide funding for computer automation.

Many counties are unable to supply the Court system with modern computer technology. The Court Administrators office has worked diligently on our behalf to provide us with computers and software for our case management program. Without their help, Ravalli County would not have any computers in the District Court.

Please support the funding for the Automation, either by the \$5.00 user surcharge or by General funding.

Thank you for your consideration,

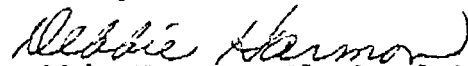

Debbie Harmon, Clerk of Court

EXHIBIT 2

2-15-95

HB 176

TWENTY-FIRST JUDICIAL DISTRICT
STATE OF MONTANA
RAVALLI COUNTY



JEFFREY H. LANGTON
DISTRICT JUDGE

RAVALLI COUNTY COURTHOUSE
COURTHOUSE Box 5012
HAMILTON, MONTANA 59840
(406) 363-3412

February 14, 1995

To: Hon. Chase Hibbard, Chairman, and
House Taxation Committee

Ladies and Gentleman:

This is to express my continuing support of H.B. 176 which would require a modest surcharge on Court filing fees to support the Montana Supreme Court's continuing efforts to upgrade Court information technology. This is a vital need for the Courts and one we cannot afford to under fund.

Increasing caseloads and meager staffing require development and application of available information technology to better manage existing cases and delay the need for additional staff. I urge your earnest consideration of this reasonable proposal.

Sincerely Yours,

Jeffrey H. Langton
District Judge

CLERK OF COURT
Fifth Judicial District
Madison County Courthouse
P.O. Box 185
Virginia City, Montana 59755-0185

JERRY R. WING
Clerk of Court

Telephone
406-843-5392

Bundy K. Bailey
Chief Deputy

Fax
406-843-5517

February 10, 1995

House Taxation Committee
Chase Hibbard, Chairman
Capitol Station
Helena, MT 59620

Re: House Bill 176

I am writing to support the effort of the Supreme Court Administrators Office to find a funding source so that they may continue with the computerization of the Courts.

A uniform program is being prepared for all District Courts and without the money to continue, we will be years behind in correlation of the functions of our offices, without help many of the smaller counties will not be interested in purchasing the equipment they will require to utilize the technology available.

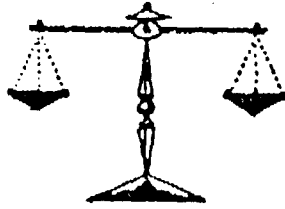
It appears that a certain portion of our population is using the court system much more that the average public, they should be helping to provide new equipment and training for the Clerk of Courts Office.

Please give this bill serious consideration as a way to raise money for the improvement of our equipment and education.

Thank you,

Jerry R. Wing
Jerry R. Wing

The Justice Court
Barbara Brook
JUSTICE OF THE PEACE



P.O. Box 277
Virginia City, Montana
59755
MADISON COUNTY

February 10, 1995

House Taxation Committee
Chas Hibbard
54th Legislature
State Capitol Building
Helena, Montana 59620

Dear Mr. Hibbard and Fellow Committee Members,

I am writing to you in support of House Bill #176. I believe that there is a need for state funding for Court Information Technology.

More and more Courts across the state are becoming computerized and uniform Court programs and technical assistance are very much in demand. More money is needed so this assistance will be available. This in turn will assist Courts in case management and record keeping.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "MaryAnn O'Malley". The signature is written in black ink and is positioned above the typed name.

MaryAnn O'Malley
Madison County Justice of the Peace

TO: Chase Hibbard

FROM: Ardelle Adams, Clerk of District Court

DATE: February 13, 1995

RE: House Bill No. 176

I'm asking for your support of House Bill No. 176, a user surcharge for court information technology. The Court Administrator's Offices has done a superb job automating many of our offices in a short time. All of the Clerk of Court's Offices need to be computerized for more efficiency and cost saving. I'm asking for your support as money if needed to continue this program.

Thank you,



*Ardelle Adams
Clerk of District Court*

EXHIBIT 2

2-15-95

HB 176



McCone County

Circle, Montana 59215

Fax (406) 485-2689

COMMISSIONERS

Aron King
Conna Eksinger
Kenton E. Larson
Box 159
485-3400

ASSESSOR

Laura E. Wittenberg
Box 179
485-3565

CLERK & RECORDER

Leanne K. Switzer
Box 199
485-3505

CLERK OF THE COURT

Betty L. Robinette
Box 199
485-3410

COUNTY ATTORNEY

Kendall F. Link
Box 199
485-3530

COUNTY HEALTH DEPT.

Patricia Wittkopp
Sue Good-Brown
Box 47
485-2444

COUNTY PLANNER

Mary Garfield
Box 199
485-3505

JUSTICE OF THE PEACE

Dwight Burton
Box 199
485-3548

SHERIFF

Robert A. Jensen
Box 207
485-3405

TREASURER /

SUPT. OF SCHOOLS
Janet L. McCabe
Box 180
485-3590

**TO: HOUSE AUTOMATION COMMITTEE
HONORABLE CHASE HIBBARD, CHAIRMAN**

**FROM: *Betty L. Robinette*
BETTY L. ROBINETTE
CLERK OF DISTRICT COURT
MCCONE COUNTY, MONTANA**

DATE: FEBRUARY 13, 1995

SUBJECT: HOUSE BILL NO. 176

MONTANA COURTS NEED TO BE AUTOMATED!!

Please recommend that House Bill No. 176 be passed in order that the Court Administrator's Office will have the funds available to continue with the automation of Montana Courts.

The Court Administrator's Office has been working on the Montana Judicial Case Management System and should have it ready to be installed in all counties in Montana in the near future. Montana's court system has been in the dark ages too long. We need to be automated and computerized.

**DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
JEFFERSON COUNTY**

• Post Office Box H • Boulder, Montana 59632 •
Phone (406) 225-4251, Ext. 58
Fax (406) 225-3275

Mrs. Marilyn J. Stevens
Clerk of Court

Marilyn A. Craft
Deputy Clerk

February 10, 1995

Rep. Chase Hibbard
Capital Station
Helena, MT 59620-1706

Dear Rep. Hibbard:

I am writing this letter in support of the Court Administration section of the Judiciary Department for the State of Montana.

This department provides invaluable assistance and support to us in our work particularly in the field of electronic technology. Their expertise and dedication has enabled us to "computerize" most of our record keeping so that we can provide more efficient and faster service. I urge you to support this very necessary department.

Sincerely,

MARILYN J. STEVENS

MARILYN J. STEVENS
Clerk of District Court

cc: Dana Corson, Court Administrator's Office ✓

COPY

CLERK OF DISTRICT COURT

Lewis and Clark County Courthouse

P. O. Box 158

Helena, Mt 59624-0158

447-8216

EXHIBIT 3
DATE 2/15/95
HB 176

February 14, 1995

Chase Hibbard
Chairman
House Taxation Committee
State Capitol
Helena, MT 59620

Chairman Hibbard and Committee Members,

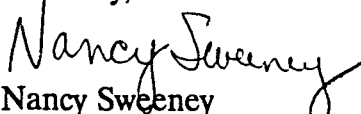
I am submitting this letter in support of House Bill 176. This bill provides a revenue source to assist in funding court automation through the Supreme Court Administrator's office. I have worked with the Supreme Court Administrator's office as Clerk of Court for the past year. During this time my office has worked with Dana Corson and the staff of the office of the Court Administrator on development of a new Judicial Case Management System (JCMS). They have continued to provide excellent support services for the current system and in a very limited time and despite numerous unanticipated problems, continue to develop a superior JCMS product.

Court automation of 56 counties has been a formidable task. Many of the difficulties the court automation project has experienced can be directly attributable to the inadequate and temporary nature of the funding that the Court Administrator's office has received in the past. Limited funding prohibits competitive salaries and valuable time is wasted on recruitment and training when employees can easily secure better paying and more secure employment. It is vital that the State provide adequate and permanent funding so the Administrator's office can move forward with the difficult task of court automation of the entire state.

Lewis and Clark County served as a pilot program for the Court Administrator's JCMS program seven years ago and continues assisting in the development and refinement of the Court Administrator's JCMS product. We are very excited with the enhancements and added flexibility developed in the new JCMS and look forward to providing any further assistance possible. My office has experienced the benefits of court automation and simply could not process the work at existing staff levels without automation.

Lewis and Clark County can not provide the financial or technical assistance necessary to support this system without the Court Administrator's office. I would encourage the committee to provide a permanent source of revenue for this valuable service and ask you to give a Do Pass recommendation to House Bill 176.

Sincerely,


Nancy Sweeney
Clerk of District Court

KDOWN EFFECTIVE JULY 1, 1993

5	15/8/9	12	14	13	6	7	10
JUDGMENTS	FOREIGN JUDGE/ TRANSFERS/ TRANSMISSION	DISSOLUTIONS	SUBSTITUTIONS	MARRIAGE LICENSES	PROBATE	FOREIGN P. R.	INCIDENTAL FEES
\$ 45.00	\$60/10/\$5	\$130.00	\$100.00	\$ 30.25	\$ 70.00	\$ 55.00	MISC.
\$ 15.00		\$ 20.00		\$.25	\$ 15.00		XXXXXX
3.20	19.20/3.20/1.60	10.00			11.20	\$ 11.20	
				6.40			
6.80	40.80/6.80/3.40				23.80	23.80	
			\$100.00				
		40.00					
		5.00					
				14.00			
				9.60			
		35.00					
20.00		20.00			20.00	20.00	

EXHIBIT 4
 DATE 2/15/95
 HB 176

EXHIBIT 2
DATE 2/15/95
HB 449

Amendments to House Bill No. 449
First Reading Copy

For the Committee on Taxation

Prepared by Lee Heiman
February 15, 1995

1. Page 3, line 23.
Strike: "state auditor"
Insert: "department of revenue"
2. Page 3, line 24.
Strike: "agencies. The state auditor"
Insert: "the state. The department"
3. Page 3, line 25.
Page 3, line 28.
Page 4, line 2.
Strike: "state auditor"
Insert: "department"
4. Page 3, line 30 through page 4, line 1.
Strike: "A" on page 3, line 30 through "office." on page 4, line
1
5. Page 5, line 24.
Following: "delinquent,"
Insert: "either proceed under subsection (7) or"

EXHIBIT 6
DATE 2/15/95
HB 424

Amendments to House Bill No. 424
First Reading Copy

For the Committee on Taxation

Prepared by Lee Heiman
February 15, 1995

1. Page 1, line 17.
Strike: "taxes"
Strike: "and"

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Taxation COMMITTEE BILL NO. AB424
 DATE 2/15/95 SPONSOR(S) Rep. Keenan

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Lance Clark	MTA SSN. REALTOR ^(P)	424		X
Cord Harrington	Mt. County Treas. Ass	424		X
Gordon Morris	MAC	424		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Juvation COMMITTEE BILL NO. HB 176
 DATE 2/15/95 SPONSOR(S) Rep. Hegener

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Nancy Sweeney 228 Broadway - Helena	Lewis & Clark County Clerk of Court	176		X
Bob Gilbert	MT ASSN CLERKS OF DISTRICT MT MAGISTRATES ASSN	176		X
Gordon Morris	MACO	176		X

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Taxation

COMMITTEE

BILL NO.

HB 181

DATE

2/15/95

SPONSOR(S)

Rep. Cobb

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	BILL	OPIOSE	SUPPORT
<u>Gordon Morris</u>	<u>MALCO</u>	<u>181</u>		✓
<u>Jennie Burr</u>	<u>MONTAX</u>	<u>181</u>		✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.