SENATE BILL NO. 196

INTRODUCED BY VAN VALKENBURG, MAZUREK, STIMATZ, KEATING, OCHSNER, BOYLAN, B. BROWN, DANIELS, CRIPPEN, MCCALLUM

IN THE SENATE

January 18, 1983	Introduced and referred to Committee on Judiciary.
January 19, 1983	Fiscal Note requested.
January 24, 1983	Fiscal Note returned.
February 3, 1983	Committee recommend bill do pass as amended. Report adopted.
February 4, 1983	Bill printed and placed on mombers' desks.
February 7, 1983	Second reading, do pass.
Pebruary 8, 1983	Correctly engrossed.
Pebruary 9, 1983	Third reading, passed. Ayes, 38, Noes, 11. Transmitted to House.
IN THE I	IOUSE
February 10, 1983	
	Introduced and referred to Committee on Judiciary.
March 5, 1983	
March 5, 1983 March 7, 1983	Committee on Judiciary. Committee recommend bill be concurred in as amended.
	Committee on Judiciary. Committee recommend bill be concurred in as amended. Report adopted. Second reading, pass

IN THE SENATE

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Returned to Senate with amendments.
Second reading, amendments concurred in.
Third reading, amendments concurred in. Ayes, 44; Noes, 3. Sent to enrolling. Reported correctly enrolled.

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1.0360701

BT11 NO. 196 1 2 INTRODUCED BY L 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR AN 5 INCREASE IN COURT REPORTERS* SALARIES AND FOR AN ANNUAL 6 COST-OF-LIVING INCREASE; REQUIRING THAT OFFICIAL NOTES OF 7 PROCEEDINGS BE STORED FOR 10 YEARS IN THE COUNTY WHERE THE R PROCEEDINGS WERE HELD: AND PROVIDING FOR CHANGES IN COURT REPORTERS* DUTIES CONCERNING TRANSCRIPTS AND TRANSCRIPT 9 10 FEES: AMENDING SECTIONS 3-5-602 THROUGH 3-5-604, MCA."

11

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 Section 1. Section 3-5-602, MCA, is amended to read: 14 #3-5-602. Salary and expenses -- apportionment. (1) Fach reporter is entitled to receive an a base annual salary 15 of not less than \$14+000 \$18:000 or more than \$20+000 16 17 \$26,000 and no other compensation except as provided in 19 3-5-604. The salary shall be set by the judge in-the district--in--which for whom the reporter works. The judge 19 20 shall, on or before July 1, 1984, and on or before July 1 of 21 each year thereafter, adjust and fix the salary of the court 27 reporter for a cost-of-living increase by adding to his 23 annual salary on July 1 of each year an increment of 70% of 24 the previous calendar year's consumer price index for all 25 urban consumers. U.S. department of labor. bureau of labor

1 statistics, or other index that the bureau of business and economic research of the university of Montana may in the 2 3 future recognize as the successor to that index. The 4 cost-of-living increment for the fiscal year beginning July 5 1. 1984. and for each subsequent fiscal year shall be added 6 to all cost-of-living increments granted for previous years. 7 He Ine salary is payable in monthly installments out of the 8 general funds of the counties comprising the district for 9 which the reporter is appointed. Each county shall pay its 10 portion of the salary based on its proportion of the total 11 number of civil and criminal actions commenced in the 12 district courts in the district in the preceding year. The 13 judge of the district shall, on January 1 of each year or as 14 soon thereafter as possible, apportion the amount of the 15 salary to be paid by each county in his district on the 16 basis prescribed in this subsection. The salary is a district court expense within the meaning of 7-6-2351. 17 18 7-6-2352, and 7-6-2511. 19 (2) In judicial districts comprising more than one

county, the reporter is allowed, in addition to the salary
and fees provided for in subsection (1), his actual and
necessary travel expenses, as defined and provided in
2-18-501 through 2-18-503, when he goes on official business
to a county of his judicial district other than the county
in which he resides, from the time he leaves his place of
INTRODUCED BILL

SR 196

1	residence until he returns thereto. The expenses shall be
2	apportioned and payable in the same way as the salary."
3	Section 2. Section 3-5~603, MCA, is amended to read:
4	#3-5-603. Duties. (1) Each reporter must, under the
5	direction of the judge, attend all sittings of the court and
6	take full stenographic notes of the testimony and of all
7	proceedings given or had thereat except when the judge
8	dispenses with his the reporter's services in a particular
9	cause or with respect to a portion of the proceedings
10	therein. The reporter must file with the clerk forthwith the
11	original stenographic notes taken upon a trial or hearing
12	required to be taken by this subsection. <u>The county in which</u>
13	the proceedings are held shall provide a safe and secure
14	place for the clerk to store all official notes of the
15	proceedings. The official notes must be kept for a period of
16	<u>10 years.</u>
17	{2}A}}-objectionsmadeduring-the-trial-or-hearing
18	and-the-rulingsy-decisionsy-and-opinions-of-thecourtmust
19	b ewritten-out-at-length-or-print ed-i n-type-by-the-reporter
20	and-filed-with-the-clerk-immediately-after-the-close-ofthe
21	triol-or-hearing."
22	Section 3. Section 3-5-604, MCA, is amended to read:

23 "3-5-604. Gopies <u>Iranscript</u> of proceedings. (1) Each
24 reporter must furnish, upon request, with all reasonable
25 diligence, to the defendant - in a criminal - case - or a party or

1 his attorney in a civil case in which he has attended the 2 trial or hearing a copy--written--out--st--length-or-in 3 norrative-form transcript from his stenographic notes, of the testimony and proceedings upon of the trial or hearing 4 5 or a part thereof for purposes of perfecting an appeal, upon 6 payment by the person requiring the same of-10-cents-per 7 folio \$2.00 per page for the original transcript, 50 cents per page for the first copy, 25 cents per page for each 8 9 additional copy or at the maximum ordinary transcript rates 10 authorized by the U.S. judicial conference, whichever is 11 ureater. 12 (2) If the county attorney, attorney general, or judge 13 requires a copy transcript in a criminal case, the reporter is entitled to his fees therefor, but he must furnish it. 14 15 Upon furnishing it, he shall receive a certificate of the

16 sum to which he is so entitled, which is a county charge and 17 must be paid by the county treasurer upon the certificate 18 like other county charges.

19 (3) if--the--judge--requires-a-copy-in-a-civil-case-to ossist-him--in--rendering-a--decisiony--the--reporter--must furnish--the--some--without-charge-therefore In civil cases, all transcripts required by the judge or the county shall be furnished without-costs and only the reporter's actual costs of preparation may be paid by the county. 25 (4) If it appears to the judge that a defendant in a

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-4-

LC 0360/01

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- 1 criminal case is unable to pay for a copy transcript, it
- 2 shall be furnished to him and paid for by the county."

-End-

STATE OF MONTANA

REQUEST NO. 146-83

FISCAL NOTE

Form BD-15

n	compliance with a written request received	January 19,	, 19,	, there is hereby submitted a Fiscal Note
or	Senate Bill 196 pursua	nt to Title 5, Chapter 4, P	Part 2 of the	Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

Senate Bill 196 is an act providing for:

- an increase in Court Reporters' salaries with annual cost-of-living adjustments;
- b) requiring that official notes of proceedings be stored for 10 years in the county where the proceedings were held; and
- c) changes in Court Reporters' duties concerning transcripts and transcript fees.

ASSUMPTIONS:

- 1) The number of county funded Court Reporters statewide is the same as the number of District Court Judges; 32.
- 2) All Court Reporters are now receiving the maximum salary allowable under the current law (\$20,000/yr.).
- 3) The CPI will be approximately the same in 1983 as it is in 1982; about 6%.

FISCAL IMPACT:

This bill would have an impact on the county or local level only.

LOCAL IMPACT:

Proposed Law	FY84	FY85
Personal Services (4.2%/	yr)*	
Under Proposed Law	800,256	833,867
Under Current Law	768,000	•768,000
Increased Expenditures		
under Proposed Law	<u>\$_32,256</u>	<u>\$_65,867</u>
	1	

<u>Continued</u>

NOTE :

A dollar amount for the fee increase is not included above because base information on what counties statewide currently expend on transcripts is not available. However, the amount each county paid out in transcript fees would increase by 94% for criminal and 116% for civil, determined as follows:

Transcript	Rate Under Current Law	Rate Under Proposed Law	% Increase
Criminal	1.80/pg.	3.50/pg.	94%
Civil	1.50/pg.	3.25/pg.	116%

* (1982 CPI = 6%) x 70% = 4.2% FY84, (1983 CPI = 6%) x 70% = 4.2% FY85.

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FISCAL NOTE 7:S/2

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Approved by Committee on Judiciary

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3	KEATING, OCHSNER, BOYLAN, B. BROWN,
4	DANIELS, CRIPPEN, MCCALLUM

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13

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8	to_all_cost_of_living_increments_granted_for_previous_years.
9	It <u>The salary</u> is cayable in monthly installments out of the
10	general funds of the counties comprising the district for
11	which the reporter is appointed. Each county shall pay its
12	portion of the salary based on its proportion of the total
13	number of civil and criminal actions commenced in the
14	district courts in the district in the preceding year. The
15	judge of the district shall, on January 1 of each year or as
16	soon thereafter as possible, apportion the amount of the
17	salary to be paid by each county in his district on the
18	basis prescribed in this subsection. <u>The salary is a</u>
19	district_court_expense_within_the_meaning_of_7=6-2351+
20	7-6-2352and.7-6-2511.
21	(2) In judicial districts comprising more than one
22	county, the reporter is allowed, in addition to the salary

and fees provided for in subsection (1), his actual and
necessary travel expenses, as defined and provided in
2-18-501 through 2-18-503, when he goes on official business

-2- SECOND READING

1 to a county of his judicial district other than the county 2 in which he resides, from the time he leaves his place of residence until he returns thereto. The expenses shall be з apportioned and payable in the same way as the salary." 4 5 Section 2. Section 3-5-603, MCA, is amended to read: "3-5-603. Duties, fl) Each reporter must, under the 6 direction of the judge, attend all sittings of the court and 7 8 take full stenographic notes of the testimony and of all 9 proceedings given or had thereat except when the judge 10 dispenses with his the_reporteris services in a particular cause or with respect to a portion of the proceedings 11 12 therein. The reporter must file with the clerk forthwith the 13 original stenographic notes taken upon a trial or hearing required to be taken by this subsection. The county in which 14 15 the proceedings are held shall provide a safe and secure 16 place__for__the__clerk__to__store__all_official_notes_of_the 17 proceedings. The official notes must be kept for a period of 18 10_years. 19 t2t+-Att-objections-made-during-the--triat--or--hearing

20 and--the--ruiingsy-decisionsy-and-opinions-of-the-court-must
21 be-written-out-at-length-or-printed-in-type-by-the--reporter
22 and--filed-with-the-clerk-immediately-after-the-close-of-the
23 trial-or-hearings"

Section 3. Section 3-5-604, MCA, is amended to read:
 "3-5-604. Copies <u>Transcript</u> of proceedings. (1) Each

-3-

SB 196

1	reporter must furnish, upon request, with all reasonable
2	diligence, to the-defendant-in-a-criminal-case-or a party or
3	his attorney in a eivil case in which he has attended the
4	trial or hearing a copywrittenoutatlengthorin
5	narrativeform transcript from his stenographic notesy of
6	the testimony and proceedings upon <u>of</u> th e trial or hearing
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8	payment by the person requiring the same of-10-cents-per
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12	authorizedbytheWySyc_judicioł_conferencez_whichever-is
13	greater.
14	(2) If the county attorney, attorney general, or judge
15	requires a copy <u>transcript</u> in a criminal case, the reporter
16	is entitled to his fees therefor, but he must furnish it.
17	Upon furnishing it, he shall receive a certificate of the
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19	must be paid by the county treasurer upon the certificate
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-4-

SB 196

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3 criminal case is unable to pay for a copy transcript, it

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-End-

SENATE BILL NO. 196
INTRODUCED BY VAN VALKENBURG, MAZUREK, STINATZ,
KEATING, OCHSNER, BOYLAN, B. BROWN,
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9 10 PROCEEDINGS WERE HELD; AND PROVIDING FOR CHANGES IN COURT 11 REPORTERS DUTIES CONCERNING TRANSCRIPTS AND TRANSCRIPT 12 FEES; AMENDING SECTIONS 3-5-602 THROUGH 3-5-604. MCA.*

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necessary travel expenses, as defined and provided in 2-18-501 through 2-18-503, when he goes on official business 25

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SB 196 -2-THIRD READING

SB 0196/02

to a county of his judicial district other than the county
 in which he resides, from the time he leaves his place of
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-3-

SB 196

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-4-

SB 196

1 of preparation may be paid by the county.

2 (4) If it appears to the judge that a defendant in a
 3 criminal case is unable to pay for a copy transcript, it
 4 shall be furnished to him and paid for by the county."

-End-

-5-

HOUSE JUDICIARY COMMITTEE AMENDMENTS TO SENATE BILL 196, THIRD READING COPY (BLUE) MARCH 5, 1983

1) Page 1, line 19 Strike: "<u>\$26,000</u>" Insert: "\$23,000"

2) Page 4, line 23
Following: "therefor."
Insert: "If the judge requires a copy in a civil case to
assist him in rendering a decision, the reporter must furnish
the same without charge therefor."

3) Page 4, line 24 Following: "by" Strike: "the judge or"

AND AS AMENDED BE CONCURRED IN

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> -2- S9 196 REFERENCE BILL

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25

reporter must furnish, upon request, with all reasonable 1 2 diligence, to the defendant - in - a - criminal - case - or a party or his attorney in a civil case in which he has attended the 3 4 trial or hearing a copy--written--out--st--length-or-in 5 nerrative-form transcript from his stenographic notes, of the testimony and proceedings upon of the trial or hearing 6 7 or a part thereof for-purposes of perfection-parents, upon payment by the person requiring the same of--10--cents--per 8 9 folio \$2,00 per page for the original transcript, 50 cents 10 per pige for the first conversion per page for each 11 additional__copy accetethermeximumeordinery=transcripterates authorized-by-the-WySg-ziudicial-sconferencey--whichestersiz 12 13 areater. 14 (2) If the county attorney, attorney general, or judge

15 requires a copy transcript in a criminal case, the reporter 16 is entitled to his fees therefor, but he must furnish it. 17 Upon furnishing it, he shall receive a certificate of the 18 sum to which he is so entitled, which is a county charge and 19 must be paid by the county treasurer upon the certificate 20 like other county charges. 21 (3) If--the--iudge--reguires-a-copy-in-a-civit-case-to assist-him--in--rendering--e-decistony--the--reporter--must 22 furnish--the--some--without--charge--therefory IE_IHE_JUDGE 23 24

REQUIRES_A_COPY_IN_A_CIVIL_CASE_ID_ASSISI_HIM_IN_RENDERING_A DECISION+_IHE_REPORTER_MUSI_FURNISH_IHE_SAME_WITHOUT__CHARGE

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SB 196

1 IMEREEORs In civil cases, all transcripts required by the 2 judgement the county shall be furnished without--costs_and 3 only_the_reporter's_actual_costs_of_preparation_may_be_paid 4 by_the_county.

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5 (4) If it appears to the judge that a defendant in a 6 criminal case is unable to pay for a copy <u>transcript</u>, it 7 shall be furnished to him and paid for by the county."

-End-