

SB 1 Hager

By Request of the Revenue Oversight Committee

An act reinserting the inflation computation into the light motor vehicle fee system; providing that the inflation computation does not apply to the district court fee; amending section 2, Chapter 685, Laws of 1985; and providing an effective date and a termination date.

6/28/85 Introduced
6/28/85 Referred to Taxation
6/28/85 Committee Report Do Pass As Amended
6/28/85 2nd Reading Do Pass, 37 - 10
6/28/85 3rd Reading Do Pass, 39 - 10

Transmitted to House

6/28/85 Referred to Taxation
6/28/85 Committee Report Be Concurred In
6/28/85 2nd Reading Be Concurred In, 58 - 41
6/28/85 On Motion Rules Suspended
Placed on 3rd Reading This Day
6/28/85 3rd Reading Be Concurred In, 61 - 38

Returned to Senate

6/29/85 Signed by President
6/28/85 Signed by Speaker
6/29/85 Transmitted to Governor

1 SENATE BILL NO. 1
 2 INTRODUCED BY HAGER
 3 BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REINSERTING THE
 5 INFLATION COMPUTATION INTO THE LIGHT MOTOR VEHICLE FEE
 6 SYSTEM; PROVIDING THAT THE INFLATION COMPUTATION DOES NOT
 7 APPLY TO THE DISTRICT COURT FEE; AMENDING SECTION 2, CHAPTER
 8 685, LAWS OF 1985; AND PROVIDING AN EFFECTIVE DATE AND A
 9 TERMINATION DATE."

10
 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 12 Section 1. Section 2, Chapter 685, Laws of 1985, is
 13 amended to read:

14 "Section 2. Section 61-3-533, MCA, is amended to read:
 15 "61-3-533. Schedule of fees for automobiles and light
 16 trucks. (1) Except as provided in subsection ~~(2)~~ (3), the
 17 following schedule, based on vehicle age and weight, is used
 18 to determine the fee imposed by 61-3-532:

Vehicle Age	Weight	
	2,850	More Than
	Pounds	2,850
	<u>District</u>	<u>District</u>
	or less	Pounds
	<u>Court Fee</u>	<u>Court Fee</u>
Less than or		
equal to 4		
years	\$77 <u>\$70</u>	\$7 <u>\$90</u>
	<u>\$7</u>	<u>\$7</u>

1 More than 4
 2 years and
 3 less than
 4 8 years 45 40 5 55 50 5
 5 8 years old
 6 and over ~~12-58~~ 10 2.50 ~~17-58~~ 15 2.50
 7 (2) (a) The fee for a light vehicle is determined by:
 8 (i) multiplying the appropriate dollar amount from the
 9 table in subsection (1), but not the district court fee, by
 10 the ratio of the PCE for the second quarter of the year
 11 prior to the year of licensing to the PCE for the second
 12 quarter of 1981; and
 13 (ii) rounding the product thus obtained to the nearest
 14 whole dollar amount.
 15 (b) "PCE" means the implicit price deflator for
 16 personal consumption expenditures as published quarterly in
 17 the Survey of Current Business by the bureau of economic
 18 analysis of the United States department of commerce.
 19 ~~(2)~~(3) The light vehicle license fee for disabled
 20 veterans qualifying under the provisions of 10-2-301 through
 21 10-2-304 is \$8, with \$3 of the fee earmarked for district
 22 courts."
 23 **NEW SECTION.** Section 2. Name change. Whenever the
 24 term "additional light vehicle license fee" or "additional
 25 fee" appears in 61-3-509, 61-3-533, or 61-3-536, the term is

1 changed to "block grant fee".

2 NEW SECTION. Section 3. Effective date -- contingent
3 retroactive effect -- termination. (1) This act is effective
4 on passage and approval and applies to light vehicles
5 registered on or after July 1, 1985. If this act is approved
6 after June 30, 1985, it applies retroactively within the
7 meaning of 1-2-109 to light vehicles registered on or after
8 July 1, 1985.

9 (2) This act terminates July 1, 1987. This termination
10 does not affect the reinsertion of 61-3-533(2) as it read on
11 January 1, 1985.

-End-

SENATE BILL NO. 1

INTRODUCED BY HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT REINSERTING THE INFLATION COMPUTATION INTO THE LIGHT MOTOR VEHICLE FEE SYSTEM; PROVIDING THAT THE INFLATION COMPUTATION DOES NOT APPLY TO THE DISTRICT COURT FEE; TRANSFERRING THE ADMINISTRATION OF STATE FUNDING FOR DISTRICT COURTS FROM THE SUPREME COURT TO THE DEPARTMENT OF COMMERCE; APPROPRIATING TO THE DEPARTMENT OF COMMERCE FUNDING FOR THE STATE FUNDING OF DISTRICT COURTS; DELETING THE FUNDING FROM THE SUPREME COURT BUDGET; AMENDING SECTION 2, CHAPTER 685, LAWS OF 1985, SECTIONS 1 THROUGH 5, 10, 15, AND 16 OF CHAPTER 680, LAWS OF 1985; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

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

Section 1. Section 2, Chapter 685, Laws of 1985, is amended to read:

"Section 2. Section 61-3-533, MCA, is amended to read:

"61-3-533. Schedule of fees for automobiles and light trucks. (1) Except as provided in subsection (2) (3), the following schedule, based on vehicle age and weight, is used to determine the fee imposed by 61-3-532:

Vehicle Age	Weight
2,850	More Than

	Pounds or less	District Court Fee	2,850 Pounds	District Court Fee
Less than or equal to 4 years	\$77 \$70	\$7	\$97 \$90	\$7
More than 4 years and less than 8 years	45 40	5	55 50	5
8 years old and over	12-50 10	2.50	17-50 15	2.50

(2) (a) The fee for a light vehicle is determined by:

(i) multiplying the appropriate dollar amount from the table in subsection (1), but not the district court fee, by the ratio of the PCE for the second quarter of the year prior to the year of licensing to the PCE for the second quarter of 1981; and

(ii) rounding the product thus obtained to the nearest whole dollar amount.

(b) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the United States department of commerce.

(2)(3) The light vehicle license fee for disabled veterans qualifying under the provisions of 10-2-301 through



1 10-2-304 is \$8, with \$3 of the fee earmarked for district
2 courts.""

3 NEW SECTION. Section 2. Name change. Whenever the
4 term "additional light vehicle license fee" or "additional
5 fee" appears in 61-3-509, 61-3-533, or 61-3-536, the term is
6 changed to "block grant fee".

7 SECTION 3. SECTION 1, CHAPTER 680, LAWS OF 1985, IS
8 AMENDED TO READ:

9 "Section 1. State assumption of certain district court
10 expenses. (1) Effective July 1, 1985, the state shall, to
11 the extent that money is appropriated, fund the following
12 district court expenses in criminal cases only:

- 13 (a) salaries of court reporters;
- 14 (b) transcripts of proceedings;
- 15 (c) witness fees and necessary expenses;
- 16 (d) juror fees;
- 17 (e) indigent defense; and
- 18 (f) psychiatric examinations.

19 (2) The ~~supreme--court--administrator;~~ under--the
20 direction--of--the-supreme-court-and department of commerce,
21 in consultation with the district judges for each judicial
22 district, shall include within the ~~supreme--court's~~
23 department's biennial budget request to the legislature a
24 request for funding the expenses listed in subsection (1).

25 (3) If money appropriated for the expenses listed in

1 subsection (1) is insufficient to fully fund those expenses,
2 the county is responsible for payment of the balance. If no
3 money is appropriated, the county is responsible for payment
4 of all expenses."

5 SECTION 4. SECTION 2, CHAPTER 680, LAWS OF 1985, IS
6 AMENDED TO READ:

7 "Section 2. Fiscal administration for payment of court
8 expenses. The ~~supreme--court--administrator~~ of
9 commerce shall:

10 (1) establish procedures for disbursement of funds for
11 payment of district court expenses listed in [section 1],
12 including prorating of those funds if they are insufficient
13 to cover all expenses listed in [section 1];

14 (2) ~~in-consultation-with-the-department--of--commerce,~~
15 develop a uniform accounting system for use by the counties
16 in reporting court expenses at a detailed level for
17 budgeting and auditing purposes; and

18 (3) provide for annual auditing of district court
19 expenses to assure normal operations and consistency in
20 reporting of expenditures."

21 SECTION 5. SECTION 3, CHAPTER 680, LAWS OF 1985, IS
22 AMENDED TO READ:

23 "Section 3. Reimbursement for juror and witness fees.
24 According to procedures established by the ~~supreme-court~~
25 administrator department of commerce under [section 2(1)],

1 each clerk of district court shall submit to the supreme
 2 court--administrator department a detailed statement
 3 containing a list of witnesses and jurors for criminal cases
 4 only and the amount of per diem and mileage paid to each by
 5 the county. Upon receipt and verification of the statement,
 6 the administrator department shall promptly reimburse the
 7 designated county for the cost of witness and juror fees on
 8 a full or prorated basis in accordance with [section 2].
 9 The county shall deposit the amount reimbursed in its
 10 general fund unless the county has a district court fund. If
 11 the county has a district court fund, the amount reimbursed
 12 must be deposited in such fund."

13 SECTION 6. SECTION 4, CHAPTER 680, LAWS OF 1985, IS
 14 AMENDED TO READ:

15 "Section 4. Section 3-5-602, MCA, is amended to read:
 16 "3-5-602. Salary and expenses -- apportionment. (1)
 17 Each reporter is entitled to receive a base annual salary of
 18 not less than \$16,000 or more than \$23,000 and no other
 19 compensation except as provided in 3-5-604. The salary shall
 20 be set by the judge for whom the reporter works. The salary
 21 is payable in monthly installments out of the general funds
 22 of the counties comprising the district for which the
 23 reporter is appointed and out of an appropriation made to
 24 the supreme court department of commerce as provided in
 25 subsection (2).

1 (2) The ~~supreme--court--administrator~~ department of
 2 commerce shall determine the total number of civil and
 3 criminal actions commenced in the preceding year in the
 4 district court or courts in the judicial district for which
 5 a reporter is appointed. The state shall pay its portion of
 6 the reporter's salary based on the proportion of the total
 7 number of criminal actions commenced in the district court
 8 or courts in the district and the amount appropriated for
 9 that purpose. Each county shall pay its portion of the
 10 remainder 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. The judge or judges of the
 13 district shall, on January 1 of each year or as soon
 14 thereafter as possible, apportion the amount of the salary
 15 to be paid by each county in his or their district on the
 16 basis prescribed in this subsection. The portion of the
 17 salary payable by a county is a district court expense
 18 within the meaning of 7-6-2351, 7-6-2352, and 7-6-2511.

19 (3) In judicial districts comprising more than one
 20 county, the reporter is allowed, in addition to the salary
 21 and fees provided for in subsection (1), his actual and
 22 necessary travel expenses, as defined and provided in
 23 2-18-501 through 2-18-503, when he goes on official business
 24 to a county of his judicial district other than the county
 25 in which he resides, from the time he leaves his place of

1 residence until he returns thereto. The expenses shall be
2 apportioned and payable in the same way as the salary."

3 SECTION 7. SECTION 5, CHAPTER 680, LAWS OF 1985, IS
4 AMENDED TO READ:

5 "Section 5. Section 3-5-604, MCA, is amended to read:

6 "3-5-604. Transcript of proceedings. (1) Each reporter
7 must furnish, upon request, with all reasonable diligence,
8 to a party or his attorney in a case in which he has
9 attended the trial or hearing a transcript from his
10 stenographic notes of the testimony and proceedings of the
11 trial or hearing or a part thereof, upon payment by the
12 person requiring the same of \$2 per page for the original
13 transcript, 50 cents per page for the first copy, 25 cents
14 per page for each additional copy.

15 (2) If the county attorney, attorney general, or judge
16 requires a transcript in a criminal case, the reporter is
17 entitled to his fees therefor, but he must furnish it. Upon
18 furnishing it, he shall receive a certificate for the sum to
19 which he is entitled. The reporter shall submit the
20 certificate to the ~~supreme---court---administrator---who~~
21 department of commerce which, in accordance with [section
22 2], is responsible for the prompt payment of all or a
23 portion of the amount due the reporter. If the ~~supreme-court~~
24 administrator department, in accordance with [section 2],
25 pays none or only a portion of the amount due, the county

1 shall pay the balance upon receipt of a statement from the
2 reporter.

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

9 (4) If it appears to the judge that a defendant in a
10 criminal case is unable to pay for a transcript, it shall be
11 furnished to him and paid for by the state in the manner
12 provided in subsection (2) to the extent funds are
13 available. The county shall pay the remainder as required in
14 [section 1]."

15 SECTION 8. SECTION 10, CHAPTER 680, LAWS OF 1985, IS
16 AMENDED TO READ:

17 "Section 10. Section 46-8-201, MCA, is amended to
18 read:

19 "46-8-201. Remuneration of appointed counsel. (1)
20 Whenever in a criminal proceeding an attorney represents or
21 defends any person by order of the court on the ground that
22 the person is financially unable to employ counsel, the
23 attorney shall be paid for his services such sum as a
24 district court or justice of the state supreme court
25 certifies to be a reasonable compensation therefor and shall

1 be reimbursed for reasonable costs incurred in the criminal
2 proceeding.

3 (2) The expense of implementing subsection (1) is
4 chargeable as provided in [section 1] to the county in which
5 the proceeding arose, the ~~office---of---supreme---court~~
6 ~~administrator department of commerce~~, or both, except that:

7 (a) in proceedings solely involving the violation of
8 a city ordinance or state statute prosecuted in a municipal
9 or city court, the expense is chargeable to the city or town
10 in which the proceeding arose; and

11 (b) when there has been an arrest by agents of the
12 department of fish, wildlife, and parks or agents of the
13 department of justice, the expense must be borne by the
14 state agency causing the arrest."

15 SECTION 9. SECTION 15, CHAPTER 680, LAWS OF 1985, IS
16 AMENDED TO READ:

17 "Section 15. Section 46-15-104, MCA, is amended to
18 read:

19 "46-15-104. Expenses of witness. (1) When a person
20 attends before a magistrate, grand jury, or court as a
21 witness in a criminal case upon a subpoena or in pursuance
22 of an undertaking, the judge, at his discretion, by a
23 written order may direct the clerk of the court to draw his
24 warrant upon the county treasurer in favor of such witness
25 for a reasonable sum to be specified in the order, for the

1 necessary expenses of the witness.

2 (2) According to procedures established by the
3 ~~supreme---court--administrator~~ department of commerce under
4 [section 2(1)], the clerk of district court shall submit to
5 the ~~supreme---court--administrator~~ department a detailed
6 statement containing a list of witnesses and the amount of
7 expenses paid to each by the county. Upon receipt and
8 verification of the statement, the ~~administrator~~ department
9 shall promptly reimburse the designated county for all or a
10 portion of the cost of witness expenses. The county shall
11 deposit the amount reimbursed in its general fund unless the
12 county has a district court fund. If the county has a
13 district court fund, the amount reimbursed must be deposited
14 in such fund."

15 SECTION 10. SECTION 16, CHAPTER 680, LAWS OF 1985, IS
16 AMENDED TO READ:

17 "Section 16. Section 46-18-235, MCA, is amended to
18 read:

19 "46-18-235. Disposition of money collected as fines
20 and costs. The money collected by a court as a result of the
21 imposition of fines or assessment of costs under the
22 provisions of 46-18-231 and 46-18-232 shall be paid to the
23 county general fund of the county in which the court is
24 held, except that:

25 (1) if the costs assessed include any district court

1 expense listed in [section 1], the money collected from
 2 assessment of these costs must be paid to the ~~supreme--court~~
 3 ~~administrator department of commerce~~ for deposit into the
 4 state general fund to the extent the expenses were paid by
 5 the state; and

6 (2) if the fine was imposed for a violation of Title
 7 45, chapter 9, the court may order the money paid into the
 8 drug forfeiture fund maintained under 44-12-206 for the law
 9 enforcement agency which made the arrest from which the
 10 conviction and fine arose."

11 NEW SECTION. SECTION 11. APPROPRIATION TRANSFER. THE
 12 GENERAL FUND APPROPRIATION TO THE SUPREME COURT FOR STATE
 13 FUNDING OF CERTAIN DISTRICT COURT OPERATIONS CONTAINED IN
 14 ITEM NO. 4 OF THE JUDICIARY BUDGET AS CONTAINED IN HOUSE
 15 BILL 500, L. 1985, IS TRANSFERRED TO THE DEPARTMENT OF
 16 COMMERCE. IN ACCORDANCE WITH SUCH TRANSFER, THE SPENDING
 17 AUTHORITY OF THE SUPREME COURT IS REDUCED \$3,170,633 FOR
 18 FISCAL YEAR 1986 AND \$3,152,873 IN FISCAL YEAR 1987, AND
 19 THERE IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE FROM THE
 20 GENERAL FUND \$3,170,633 FOR FISCAL YEAR 1986 AND \$3,152,873
 21 IN FISCAL YEAR 1987 FOR CERTAIN DISTRICT COURT OPERATIONS.

22 NEW SECTION. Section 12. Effective date -- contingent
 23 retroactive effect -- termination. (1) This act is effective
 24 on passage and approval, and applies SECTIONS 1 AND 2 APPLY
 25 to light vehicles registered on or after July 1, 1985. If

1 this act is approved after June 30, 1985, it--~~applies~~
 2 SECTIONS 1 AND 2 APPLY retroactively within the meaning of
 3 1-2-109 to light vehicles registered on or after July 1,
 4 1985.

5 (2) ~~This--act--terminates~~ SECTIONS 1 AND 2 TERMINATE
 6 July 1, 1987. This termination does not affect the
 7 reinsertion of 61-3-533(2) as it read on January 1, 1985.

-End-

SENATE BILL NO. 1

INTRODUCED BY HAGER

BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT REINSERTING THE INFLATION COMPUTATION INTO THE LIGHT MOTOR VEHICLE FEE SYSTEM; PROVIDING THAT THE INFLATION COMPUTATION DOES NOT APPLY TO THE DISTRICT COURT FEE; ~~TRANSFERRING THE ADMINISTRATION OF STATE FUNDING FOR DISTRICT COURTS FROM THE SUPREME COURT TO THE DEPARTMENT OF COMMERCE; APPROPRIATING TO THE DEPARTMENT OF COMMERCE FUNDING FOR THE STATE FUNDING OF DISTRICT COURTS; DELETING THE FUNDING FROM THE SUPREME COURT BUDGET; AMENDING SECTION 2, CHAPTER 685, LAWS OF 1985, SECTIONS 1 THROUGH 5, 10, 15, AND 16 OF CHAPTER 680, LAWS OF 1985; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."~~

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

Section 1. Section 2, Chapter 685, Laws of 1985, is amended to read:

"Section 2. Section 61-3-533, MCA, is amended to read:

"61-3-533. Schedule of fees for automobiles and light trucks. (1) Except as provided in subsection (2) (3), the following schedule, based on vehicle age and weight, is used to determine the fee imposed by 61-3-532:

Vehicle Age	Weight			
	2,850 Pounds or less	District Court Fee	More Than 2,850 Pounds	District Court Fee
Less than or equal to 4 years	\$77 \$70	\$7	\$97 \$90	\$7
More than 4 years and less than 8 years	45 40	5	55 50	5
8 years old and over	12-50 10	2.50	17-50 15	2.50

(2) (a) The fee for a light vehicle is determined by:

(i) multiplying the appropriate dollar amount from the table in subsection (1), but not the district court fee, by the ratio of the PCE for the second quarter of the year prior to the year of licensing to the PCE for the second quarter of 1981; and

(ii) rounding the product thus obtained to the nearest whole dollar amount.

(b) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the United States department of commerce.



1 (2)(3) The light vehicle license fee for disabled
2 veterans qualifying under the provisions of 10-2-301 through
3 10-2-304 is \$8, with \$3 of the fee earmarked for district
4 courts."

5 NEW SECTION. Section 2. Name change. Whenever the
6 term "additional light vehicle license fee" or "additional
7 fee" appears in 61-3-509, 61-3-533, or 61-3-536, the term is
8 changed to "block grant fee".

9 SECTION 3. SECTION 1, CHAPTER 680, LAWS OF 1985, IS
10 AMENDED TO READ:

11 "Section 1. State assumption of certain district court
12 expenses. (1) Effective July 1, 1985, the state shall, to
13 the extent that money is appropriated, fund the following
14 district court expenses in criminal cases only:

- 15 (a) salaries of court reporters;
- 16 (b) transcripts of proceedings;
- 17 (c) witness fees and necessary expenses;
- 18 (d) juror fees;
- 19 (e) indigent defense; and
- 20 (f) psychiatric examinations.

21 (2) The ~~supreme court administrator, under the~~
22 ~~direction of the supreme court and~~ department of commerce,
23 in consultation with the district judges for each judicial
24 district, shall include within the ~~supreme court's~~
25 ~~department's~~ biennial budget request to the legislature a

1 request for funding the expenses listed in subsection (1).

2 (3) If money appropriated for the expenses listed in
3 subsection (1) is insufficient to fully fund those expenses,
4 the county is responsible for payment of the balance. If no
5 money is appropriated, the county is responsible for payment
6 of all expenses."

7 SECTION 4. SECTION 2, CHAPTER 680, LAWS OF 1985, IS
8 AMENDED TO READ:

9 "Section 2. Fiscal administration for payment of court
10 expenses. The ~~supreme court administrator~~ department of
11 ~~commerce~~ shall:

12 (1) establish procedures for disbursement of funds for
13 payment of district court expenses listed in [section 1],
14 including prorating of those funds if they are insufficient
15 to cover all expenses listed in [section 1];

16 (2) ~~in consultation with the department of commerce,~~
17 develop a uniform accounting system for use by the counties
18 in reporting court expenses at a detailed level for
19 budgeting and auditing purposes; and

20 (3) provide for annual auditing of district court
21 expenses to assure normal operations and consistency in
22 reporting of expenditures."

23 SECTION 5. SECTION 3, CHAPTER 680, LAWS OF 1985, IS
24 AMENDED TO READ:

25 "Section 3. Reimbursement for juror and witness fees.

1 According to procedures established by the supreme-court
 2 administrator department of commerce under [section 2(1)],
 3 each clerk of district court shall submit to the supreme
 4 court--administrator department a detailed statement
 5 containing a list of witnesses and jurors for criminal cases
 6 only and the amount of per diem and mileage paid to each by
 7 the county. Upon receipt and verification of the statement,
 8 the administrator department shall promptly reimburse the
 9 designated county for the cost of witness and juror fees on
 10 a full or prorated basis in accordance with [section 2].
 11 The county shall deposit the amount reimbursed in its
 12 general fund unless the county has a district court fund. If
 13 the county has a district court fund, the amount reimbursed
 14 must be deposited in such fund."

15 SECTION 6. SECTION 4, CHAPTER 680, LAWS OF 1985, IS
 16 AMENDED TO READ:

17 "Section 4. Section 3-5-602, MCA, is amended to read:
 18 "3-5-602. Salary and expenses -- apportionment. (1)
 19 Each reporter is entitled to receive a base annual salary of
 20 not less than \$16,000 or more than \$23,000 and no other
 21 compensation except as provided in 3-5-604. The salary shall
 22 be set by the judge for whom the reporter works. The salary
 23 is payable in monthly installments out of the general funds
 24 of the counties comprising the district for which the
 25 reporter is appointed and out of an appropriation made to

1 the supreme-court department of commerce as provided in
 2 subsection (2).

3 (2) The ~~supreme--court--administrator~~ department of
 4 commerce shall determine the total number of civil and
 5 criminal actions commenced in the preceding year in the
 6 district court or courts in the judicial district for which
 7 a reporter is appointed. The state shall pay its portion of
 8 the reporter's salary based on the proportion of the total
 9 number of criminal actions commenced in the district court
 10 or courts in the district and the amount appropriated for
 11 that purpose. Each county shall pay its portion of the
 12 remainder 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. The judge or judges of the
 15 district shall, on January 1 of each year or as soon
 16 thereafter as possible, apportion the amount of the salary
 17 to be paid by each county in his or their district on the
 18 basis prescribed in this subsection. The portion of the
 19 salary payable by a county is a district court expense
 20 within the meaning of 7-6-2351, 7-6-2352, and 7-6-2511.

21 (3) In judicial districts comprising more than one
 22 county, the reporter is allowed, in addition to the salary
 23 and fees provided for in subsection (1), his actual and
 24 necessary travel expenses, as defined and provided in
 25 2-18-501 through 2-18-503, when he goes on official business

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
3 residence until he returns thereto. The expenses shall be
4 apportioned and payable in the same way as the salary."

5 SECTION 7. SECTION 5, CHAPTER 680, LAWS OF 1985, IS
6 AMENDED TO READ:

7 "Section 5. Section 3-5-604, MCA, is amended to read:
8 "3-5-604. Transcript of proceedings. (1) Each reporter
9 must furnish, upon request, with all reasonable diligence,
10 to a party or his attorney in a case in which he has
11 attended the trial or hearing a transcript from his
12 stenographic notes of the testimony and proceedings of the
13 trial or hearing or a part thereof, upon payment by the
14 person requiring the same of \$2 per page for the original
15 transcript, 50 cents per page for the first copy, 25 cents
16 per page for each additional copy.

17 (2) If the county attorney, attorney general, or judge
18 requires a transcript in a criminal case, the reporter is
19 entitled to his fees therefor, but he must furnish it. Upon
20 furnishing it, he shall receive a certificate for the sum to
21 which he is entitled. The reporter shall submit the
22 certificate to the ~~supreme court~~ ~~administrator~~ ~~who~~
23 department of commerce which, in accordance with [section
24 2], is responsible for the prompt payment of all or a
25 portion of the amount due the reporter. If the ~~supreme court~~

1 administrator department, in accordance with [section 2],
2 pays none or only a portion of the amount due, the county
3 shall pay the balance upon receipt of a statement from the
4 reporter.

5 (3) If the judge requires a copy in a civil case to
6 assist him in rendering a decision, the reporter must
7 furnish the same without charge therefor. In civil cases,
8 all transcripts required by the county shall be furnished,
9 and only the reporter's actual costs of preparation may be
10 paid by the county.

11 (4) If it appears to the judge that a defendant in a
12 criminal case is unable to pay for a transcript, it shall be
13 furnished to him and paid for by the state in the manner
14 provided in subsection (2) to the extent funds are
15 available. The county shall pay the remainder as required in
16 [section 1]."

17 SECTION 8. SECTION 10, CHAPTER 680, LAWS OF 1985, IS
18 AMENDED TO READ:

19 "Section 10. Section 46-8-201, MCA, is amended to
20 read:

21 "46-8-201. Emuneration of appointed counsel. (1)
22 Whenever in a criminal proceeding an attorney represents or
23 defends any person by order of the court on the ground that
24 the person is financially unable to employ counsel, the
25 attorney shall be paid for his services such sum as a

1 district court or justice of the state supreme court
2 certifies to be a reasonable compensation therefor and shall
3 be reimbursed for reasonable costs incurred in the criminal
4 proceeding.

5 (2) The expense of implementing subsection (1) is
6 chargeable as provided in [section 1] to the county in which
7 the proceeding arose, the ~~office---of---supreme---court~~
8 administrator department of commerce, or both, except that:

9 (a) in proceedings solely involving the violation of
10 a city ordinance or state statute prosecuted in a municipal
11 or city court, the expense is chargeable to the city or town
12 in which the proceeding arose; and

13 (b) when there has been an arrest by agents of the
14 department of fish, wildlife, and parks or agents of the
15 department of justice, the expense must be borne by the
16 state agency causing the arrest."

17 SECTION 9. SECTION 15, CHAPTER 680, LAWS OF 1985, IS
18 AMENDED TO READ:

19 "Section 15. Section 46-15-104, MCA, is amended to
20 read:

21 "46-15-104. Expenses of witness. (1) When a person
22 attends before a magistrate, grand jury, or court as a
23 witness in a criminal case upon a subpoena or in pursuance
24 of an undertaking of the judge. At his discretion, by a
25 written order of the clerk of the court to draw his

1 warrant upon the county treasurer in favor of such witness
2 for a reasonable sum, to be specified in the order, for the
3 necessary expenses of the witness.

4 (2) According to procedures established by the
5 ~~supreme---court---administrator~~ department of commerce under
6 [section 2(1)], the clerk of district court shall submit to
7 the ~~supreme---court---administrator~~ department a detailed
8 statement containing a list of witnesses and the amount of
9 expenses paid to each by the county. Upon receipt and
10 verification of the statement, the ~~administrator~~ department
11 shall promptly reimburse the designated county for all or a
12 portion of the cost of witness expenses. The county shall
13 deposit the amount reimbursed in its general fund unless the
14 county has a district court fund. If the county has a
15 district court fund, the amount reimbursed must be deposited
16 in such fund."

17 SECTION 10. SECTION 16, CHAPTER 680, LAWS OF 1985, IS
18 AMENDED TO READ:

19 "Section 16. Section 46-18-235, MCA, is amended to
20 read:

21 "46-18-235. Disposition of money collected as fines
22 and costs. The money collected by a court as a result of the
23 imposition of fines or assessment of costs under the
24 provisions of 46-18-231 and 46-18-232 shall be paid to the
25 county general fund of the county in which the court is

1 held, except that:

2 (1) if the costs ~~assessed~~ include any district court
3 expense listed in [section 3], the money collected from
4 assessment of these costs must be paid to the supreme--court
5 administrator department of commerce for deposit into the
6 state general fund to the extent the expenses were paid by
7 the state; and

8 (2) if the fine was imposed for a violation of Title
9 45, chapter 9, the court may order the money paid into the
10 drug forfeiture fund maintained under 44-12-206 for the law
11 enforcement agency which made the arrest from which the
12 conviction and fine arose."

13 NEW SECTION. SECTION 11. APPROPRIATION TRANSFER. THE
14 GENERAL FUND APPROPRIATION TO THE SUPREME COURT FOR STATE
15 FUNDING OF CERTAIN DISTRICT COURT OPERATIONS CONTAINED IN
16 ITEM NO. 4 OF THE JUDICIARY BUDGET AS CONTAINED IN HOUSE
17 BILL 500, L. 1985, IS TRANSFERRED TO THE DEPARTMENT OF
18 COMMERCE. IN ACCORDANCE WITH SUCH TRANSFER, THE SPENDING
19 AUTHORITY OF THE SUPREME COURT IS REDUCED \$3,170,633 FOR
20 FISCAL YEAR 1986 AND \$3,152,873 IN FISCAL YEAR 1987, AND
21 THERE IS APPROPRIATED TO THE DEPARTMENT OF COMMERCE FROM THE
22 GENERAL FUND \$3,170,633 FOR FISCAL YEAR 1986 AND \$3,152,873
23 IN FISCAL YEAR 1987 FOR CERTAIN DISTRICT COURT OPERATIONS.

24 NEW SECTION. Section 12. Effective date -- contingent
25 retroactive effect -- termination. (1) This act is effective

1 on passage and approval, and applies SECTIONS 1 AND 2 APPLY
2 to light vehicles registered on or after July 1, 1985. If
3 this act is approved after June 30, 1985, it--applies
4 SECTIONS 1 AND 2 APPLY retroactively within the meaning of
5 1-2-109 to light vehicles registered on or after July 1,
6 1985.

7 (2) This--act--terminates SECTIONS 1 AND 2 TERMINATE
8 July 1, 1987. This termination does not affect the
9 reinsertion of 61-3-533(2) as it read on January 1, 1985.

-End-