

SENATE BILL NO. 209
INTRODUCED BY B. BROWN

IN THE SENATE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 3, 1989	PRINTING REPORT.
FEBRUARY 6, 1989	SECOND READING, DO PASS.
FEBRUARY 7, 1989	ENGROSSING REPORT.
FEBRUARY 8, 1989	THIRD READING, PASSED. AYES, 43; NOES, 6.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 8, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 20, 1989	FIRST READING.
MARCH 13, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 15, 1989	PASSED CONSIDERATION FOR THE DAY.
MARCH 27, 1989	SECOND READING, CONCURRED IN.
MARCH 29, 1989	THIRD READING, CONCURRED IN. AYES, 70; NOES, 27.
	RETURNED TO SENATE.

IN THE SENATE

MARCH 29, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

MARCH 30, 1989

REPORTED CORRECTLY ENROLLED.

MARCH 31, 1989

SIGNED BY PRESIDENT.

IN THE HOUSE

MARCH 31, 1989

SIGNED BY SPEAKER.

IN THE SENATE

MARCH 31, 1989

DELIVERED TO GOVERNOR.

APRIL 6, 1989

RETURNED FROM GOVERNOR WITH
RECOMMENDED AMENDMENTS.

APRIL 11, 1989

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS NOT CONCURRED IN.

APRIL 12, 1989

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 12, 1989

SECOND READING, GOVERNOR'S RECOM-
MENDED AMENDMENTS CONCURRED IN.

APRIL 13, 1989

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 18, 1989

FREE CONFERENCE CONFERENCE COMMITTEE
REPORTED.

APRIL 19, 1989

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

ON MOTION, RULES SUSPENDED TO PLACE
BILL ON THIRD READING THIS DAY.

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 20, 1989

FREE CONFERENCE COMMITTEE
REPORT ADOPTED.

IN THE SENATE

APRIL 21, 1989

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 Sen. Bob Brown BILL NO. 209
2 INTRODUCED BY
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE SALARY
5 SCHEDULE OF COURT REPORTERS AND TO REVISE COURT FILING FEES
6 THAT ARE APPLIED TO COURT REPORTERS' SALARIES; AMENDING
7 SECTIONS 3-5-602 AND 25-1-202, MCA; AND PROVIDING AN
8 EFFECTIVE DATE."
9

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

11 **Section 1.** Section 3-5-602, MCA, is amended to read:

12 **"3-5-602. Salary and expenses -- apportionment.** (1)
13 Each reporter is entitled to receive a base annual salary of
14 not less than ~~\$16,000~~ \$25,000 or more than ~~\$23,000~~ \$35,000
15 and no other compensation except as provided in 3-5-604. The
16 salary shall be set by the judge for whom the reporter
17 works. The salary is payable in monthly installments out of
18 the general funds of the counties comprising the district
19 for which the reporter is appointed and out of an
20 appropriation made to the department of commerce as provided
21 in subsection (2).

22 (2) The department of commerce shall determine the
23 total number of civil and criminal actions commenced in the
24 preceding year in the district court or courts in the
25 judicial district for which a reporter is appointed. The

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

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

24 **Section 2.** Section 25-1-202, MCA, is amended to read:

25 **"25-1-202. Fee for court reporter. In every issue of**

1 ~~fact-in-civil-actions-tried-before-the-court-or-jury, before~~
2 ~~the--trial--commences,--there-must-be-paid-into-the-hands-of~~
3 ~~the-clerk-of-the-court-by-each-party-to-the-suit-the-sum--of~~
4 ~~\$3, which sum~~ In addition to other filing fees, a fee of \$10
5 must be paid to the clerk of the district court at the time
6 of filing a civil action in the district court. The fee must
7 be paid by said the clerk into the treasury of the county
8 where the cause-is-tried action is filed, to be applied upon
9 to the payment of the salary of the reporter. The prevailing
10 party may have the amount so paid by him taxed in his bill
11 of costs as proper disbursements."

12 NEW SECTION. Section 3. Effective date. [This act] is
13 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB209, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act to increase the salary schedule of court reporters and to revise court filing fees that are applied to court reporters' salaries; amending Sections 3-5-602 and 25-1-202, MCA; and providing an effective date.

ASSUMPTIONS:

1. Effective July 1, 1989.
2. There are 37 court reporters statewide that are affected by SB209.
3. All 37 court reporters make \$23,000 per year under current law and all will receive the new statutory maximum during the 1991 biennium.
4. Civil actions filed during FY90 and FY91 will be the same as in calendar 1987 (15,589).
5. The District Court Reimbursement program reimburses approximately 17% of the cost of court reporters' salaries, as determined by the ratio of criminal to civil cases filed.
6. Salary benefits are 15% of gross salaries.

FISCAL IMPACT:

	Current Law	FY90 Proposed Law	Difference	Current Law	FY91 Proposed Law	Difference
<u>Expenditures:</u>						
Personal Services	\$812,280	\$1,063,750	\$251,470	\$812,280	\$1,063,750	\$251,470
Funding: County General Fund						
Benefits and Claims	144,670	157,250	12,580	144,670	157,250	12,580
Funding: State General Fund						
<u>Revenue:</u>						
County General Fund						
Clerk of Court Fees	-0-	\$ 155,890	\$155,890	\$ -0-	\$ 155,890	\$155,890

Ray Shackelford 1/28/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

Bob Brown 1/31/89
 BOB BROWN, PRIMARY SPONSOR DATE

Fiscal Note for SB209, as introduced

SB 209

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Revised Fiscal Note for SB209, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act to increase the salary schedule of court reporters and to revise court filing fees that are applied to court reporters' salaries; amending Sections 3-5-602 and 25-1-202, MCA; and providing an effective date.

ASSUMPTIONS:

1. Effective July 1, 1989.
2. There are 37 court reporters statewide that are affected by SB209.
3. All 37 court reporters make \$23,000 per year under current law and all will receive the new statutory maximum during the 1991 biennium.
4. Civil actions reflect average civil cases over past three years (21,101).
5. The District Court Reimbursement program reimburses approximately 17% of the cost of court reporters' salaries, as determined by the ratio of criminal to civil cases filed.
6. Salary benefits are 15% of gross salaries.

FISCAL IMPACT:

	Current	FY90		Current	FY91	
	Law	Proposed		Law	Proposed	
Expenditures:		Law	Difference		Law	Difference
Personal Services	\$812,280	\$1,063,750	\$251,470	\$812,280	\$1,063,750	\$251,470
Funding: County General Fund						
Benefits and Claims	144,670	157,250	12,580	144,670	157,250	12,580
Funding: State General Fund						
Revenue:						
County General Fund						
Clerk of Court Fees	-0-	\$ 211,010	\$211,010	\$ -0-	\$ 211,010	\$211,010

Ray Shackleford 2/6/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

Bob Brown - 2/6/89
 BOB BROWN, PRIMARY SPONSOR DATE

Revised Fiscal Note for SB209, as introduced

SB 209- Revised

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 209

INTRODUCED BY B. BROWN

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE SALARY SCHEDULE OF COURT REPORTERS AND TO REVISE COURT FILING FEES THAT ARE APPLIED TO COURT REPORTERS' SALARIES; AMENDING SECTIONS 3-5-602 AND 25-1-202, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 3-5-602, MCA, is amended to read:

"3-5-602. Salary and expenses -- apportionment. (1)

Each reporter is entitled to receive a base annual salary of not less than ~~\$16,000~~ ~~\$25,000~~ \$23,000 or more than ~~\$23,000~~ ~~\$35,000~~ \$30,000 and no other compensation except as provided in 3-5-604. The salary shall be set by the judge for whom the reporter works. The salary is payable in monthly installments out of the general funds of the counties comprising the district for which the reporter is appointed and out of an appropriation made to the department of commerce as provided in subsection (2).

(2) The department of commerce shall determine the total number of civil and criminal actions commenced in the preceding year in the district court or courts in the judicial district for which a reporter is appointed. The

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

(3) In judicial districts comprising more than one county, the reporter is allowed, in addition to the salary 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 residence until he returns thereto. The expenses shall be apportioned and payable in the same way as the salary."

Section 2. Section 25-1-202, MCA, is amended to read:

"25-1-202. Fee for court reporter. In every issue of

1 ~~fact-in-civil-actions-tried-before-the-court-or-jury, before~~
2 ~~the-trial-commences, there must be paid into the hands of~~
3 ~~the clerk of the court by each party to the suit the sum of~~
4 ~~\$3, which sum~~ In addition to other filing fees, a fee of \$10
5 must be paid to the clerk of the district court at the time
6 of filing a civil action in the district court. The fee must
7 be paid by said the clerk into the treasury of the county
8 where the cause-is-tried action is filed, to be applied upon
9 to the payment of the salary of the reporter. The prevailing
10 party may have the amount so paid by him taxed in his bill
11 of costs as proper disbursements."

12 NEW SECTION. Section 3. Effective date. [This act] is
13 effective July 1, 1989.

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

Section 2. Section 25-1-202, MCA, is amended to read:

"25-1-202. Fee for court reporter. In every issue of

SB 0209/02

1 ~~fact-in-civil-actions-tried-before-the-court-or-jury,-before~~
2 ~~the-trial-commences,-there-must-be-paid-into--the--hands--of~~
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10 party may have the amount so paid by him taxed in his bill
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Each reporter is entitled to receive a base annual salary of not less than ~~\$16,000~~ ~~\$25,000~~ \$23,000 or more than ~~\$23,000~~ ~~\$35,000~~ \$30,000 and no other compensation except as provided in 3-5-604. The salary shall be set by the judge for whom the reporter works. The salary is payable in monthly installments out of the general funds of the counties comprising the district for which the reporter is appointed and out of an appropriation made to the department of commerce as provided in subsection (2).

(2) The department of commerce shall determine the total number of civil and criminal actions commenced in the preceding year in the district court or courts in the judicial district for which a reporter is appointed. The

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

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SB 0209/02

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9 to the payment of the salary of the reporter. The prevailing
10 party may have the amount so paid by him taxed in his bill
11 of costs as proper disbursements."

12 NEW SECTION. **Section 3.** Effective date. [This act] is
13 effective July 1, 1989.

-End-

Free Conference Committee Report
on SB 209
Report No. 1, April 17, 1989
page 1 of 2

Mr President and Mr. Speaker:

We, your Free Conference Committee on SB 209 met and considered:

The Governor's amendment to SB 209 (reference copy -- salmon) dated April 5, 1989.

We recommend that the Governor's amendment be accepted and that SB 209 (reference copy -- salmon) be amended as follows:

1. Title, line 7.
Strike: "AN"
2. Title, line 8.
Strike: "DATE"
Insert: "DATES"
3. Page 1, line 15.
Strike: "\$30,000"
Insert: "\$25,000"

4. Page 2, line 24.
Following: line 23
Insert: "Section 2. Section 3-5-602, MCA, is amended to read:
"3-5-602. Salary and expenses -- apportionment. (1) Each reporter is entitled to receive a base annual salary of not less than ~~\$16,000~~ \$23,000 or more than ~~\$23,000~~ \$30,000 and no other compensation except as provided in 3-5-604. The salary shall be set by the judge for whom the reporter works. The salary is payable in monthly installments out of the general funds of the counties comprising the district for which the reporter is appointed and out of an appropriation made to the department of commerce as provided in subsection (2).

(2) The department of commerce shall determine the total number of civil and criminal actions commenced in the preceding year in the district court or courts in the judicial district for which a reporter is appointed. The state shall pay its portion of the reporter's salary based on the proportion of the total number of criminal actions commenced in the district court or courts in the district and the amount appropriated for that purpose. Each county shall pay its portion of the remainder of the salary based on its proportion of the total number of civil and criminal actions commenced in the district courts in the district. The judge or judges of the district shall, on January 1 of each year or as soon thereafter as possible, apportion the amount of the salary to be paid by each county in his or their district on the basis prescribed in this subsection. The portion of the salary payable

FREE CONFERENCE COMMITTEE, SB 209
April 17, 1989
page 2 of 2

by a county is a district court expense within the meaning of 7-6-2351, 7-6-2352, and 7-6-2511.

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Renumber: subsequent sections

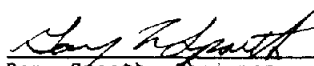
5. Page 3, line 12.
Strike: "date"
Insert: "dates"
Following: "."
Insert: "(1)"
Strike: "[This]"
Insert: "Except as provided in subsection (2), [this]"
6. Page 3, line 14.
Insert: "(2) [Section 2] is effective July 1, 1991."

And that this Conference Committee Report be adopted.

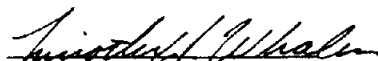
FOR THE SENATE

FOR THE HOUSE


Sen. Brown, Chairman


Rep. Spaeth, Chairman


Sen. Jenkins


Rep. Whalen


Sen. Mazurek


Rep. Hannah

ADOPT

REJECT

SENATE BILL NO. 209

INTRODUCED BY B. BROWN

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(2) The department of commerce shall determine the total number of civil and criminal actions commenced in the preceding year in the district court or courts in the judicial district for which a reporter is appointed. The

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 6 the general funds of the counties comprising the district
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 8 appropriation made to the department of commerce as provided
 9 in subsection (2).

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 11 total number of civil and criminal actions commenced in the
 12 preceding year in the district court or courts in the
 13 judicial district for which a reporter is appointed. The
 14 state shall pay its portion of the reporter's salary based
 15 on the proportion of the total number of criminal actions
 16 commenced in the district court or courts in the district
 17 and the amount appropriated for that purpose. Each county
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 18 must be paid to the clerk of the district court at the time
 19 of filing a civil action in the district court. The fee must
 20 be paid by said the clerk into the treasury of the county
 21 where the cause is tried action is filed, to be applied upon
 22 to the payment of the salary of the reporter. The prevailing
 23 party may have the amount so paid by him taxed in his bill
 24 of costs as proper disbursements."

25 NEW SECTION. Section 4. Effective date DATES. (1)

SB 0209/03

1 ~~{This~~ EXCEPT AS PROVIDED IN SUBSECTION (2), [THIS act] is
2 effective July 1, 1989.
3 (2) [SECTION 2] IS EFFECTIVE JULY 1, 1991.

-End-

GOVERNOR'S AMENDMENTS
TO SENATE BILL 209
(REFERENCE COPY)
April 5, 1989

1. Page 1, line 15.
Strike: "\$30,000"
Insert: "\$25,000"

-END-

SB 209