

SENATE BILL NO. 381

INTRODUCED BY FARRELL, HARP, GALT, DEVLIN, MEYER, BECK

IN THE SENATE

FEBRUARY 9, 1989

INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

FIRST READING.

FEBRUARY 16, 1989

COMMITTEE RECOMMEND BILL  
DO PASS. REPORT ADOPTED.

FEBRUARY 17, 1989

PRINTING REPORT.

FEBRUARY 18, 1989

SECOND READING, DO PASS AS AMENDED.

FEBRUARY 20, 1989

ENGROSSING REPORT.

FEBRUARY 21, 1989

THIRD READING, PASSED.  
AYES, 43; NOES, 7.

TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 21, 1989

INTRODUCED AND REFERRED TO COMMITTEE  
ON STATE ADMINISTRATION.

FIRST READING.

MARCH 15, 1989

COMMITTEE RECOMMEND BILL BE  
CONCURRED IN. REPORT ADOPTED.

MARCH 18, 1989

SECOND READING, CONCURRED IN.

MARCH 20, 1989

THIRD READING, CONCURRED IN.  
AYES, 78; NOES, 19.

RETURNED TO SENATE.

MARCH 21, 1989

IN THE SENATE

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *Super* *Senate* BILL NO. *381*  
 2 INTRODUCED BY *Farnell HARP Matt Deuling*  
 3 *Back*

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE  
 5 ATTORNEYS LICENSE TAX; PROVIDING THAT THE TAX INCREASE MUST  
 6 BE USED TO PAY THE SALARIES OF SUPREME COURT JUSTICES AND  
 7 DISTRICT COURT JUDGES; AMENDING SECTIONS 37-61-211 AND  
 8 37-61-213, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND  
 9 AN APPLICABILITY DATE."

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

12 **Section 1.** Section 37-61-211, MCA, is amended to read:

13 "37-61-211. Annual license tax -- municipal tax  
 14 prohibited. (1) Every attorney or counselor at law admitted  
 15 by the supreme court of the state to practice his profession  
 16 within the state ~~shall be~~ is required to pay a license tax  
 17 of ~~\$10--per--annum;~~ \$250 a year. which ~~The tax shall be~~ is  
 18 payable to and collected by the clerk of the supreme court  
 19 on or before April 1 of each year.

20 (2) Upon the payment of ~~such the~~ tax, the clerk shall  
 21 issue and deliver a certificate to the person paying the  
 22 ~~same tax,~~ certifying to the payment of ~~said the~~ license tax  
 23 and stating the period covered by ~~said the~~ payment.

24 (3) No A license tax shall may not be imposed upon  
 25 attorneys by a municipality or any other subdivision of the

1 state."

2 **Section 2.** Section 37-61-213, MCA, is amended to read:

3 "37-61-213. Disposition of license tax. All ~~moneys--so~~  
 4 ~~money~~ collected during any month shall must, on or before  
 5 the first day of the succeeding month, be delivered to and  
 6 deposited with the state treasurer by the clerk of the  
 7 supreme court, and the state treasurer shall deposit such  
 8 ~~moneys the money~~ in the general fund for supreme court and  
 9 district court operation programs to pay the salaries of  
 10 supreme court justices and district court judges."

11 NEW SECTION. **Section 3.** Effective date. [This act] is  
 12 effective January 1, 1990, and applies to license tax for  
 13 years beginning after December 31, 1989.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB381, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:


An Act increasing the attorneys' license tax; providing that the tax increase must be used to pay the salaries of supreme court justices and district court judges; amending Sections 37-61-211 and 37-61-213, MCA; and providing a delayed effective date and an applicability date.

ASSUMPTIONS:

1. Effective January 1, 1990.
2. There are 2,716 attorneys registered with the Clerk of the Supreme Court.
3. There is an estimated 10% delinquency rate in collections.

FISCAL IMPACT:

	Current	FY90		Current	FY91	
	Law	Proposed		Law	Proposed	
		Law	Difference		Law	Difference
<u>Revenue:</u>	\$24,444	\$611,100	\$586,656	\$24,444	\$611,100	\$586,656

  
RAY SHACKLEFORD, BUDGET DIRECTOR  
OFFICE OF BUDGET AND PROGRAM PLANNING

DATE 2/15/89

  
WILLIAM E. FARRELL, PRIMARY SPONSOR

DATE 2/15/89

Fiscal Note for SB381, as introduced

SB 381

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

1 *Meyer* *Senate* BILL NO. *381*  
2 INTRODUCED BY *Farnell HARP Matt Darling*  
3 *Buck*

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE  
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17 of ~~\$10--per--annum~~ \$250 a year. ~~which The tax shall be~~ is  
18 payable to and collected by the clerk of the supreme court  
19 on or before April 1 of each year.

20 (2) Upon the payment of ~~such the~~ tax, the clerk shall  
21 issue and deliver a certificate to the person paying the  
22 ~~same tax~~ tax, certifying to the payment of ~~said the~~ license tax  
23 and stating the period covered by ~~said the~~ payment.

24 (3) ~~No A~~ license tax ~~shall may not~~ be imposed upon  
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1 state."

2 **Section 2.** Section 37-61-213, MCA, is amended to read:

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6 deposited with the state treasurer by the clerk of the  
7 supreme court, and the state treasurer shall deposit ~~such~~  
8 ~~moneys the money~~ in the general fund for supreme court and  
9 district court operation programs to pay the salaries of  
10 supreme court justices and district court judges."

11 NEW SECTION. **Section 3.** Effective date. [This act] is  
12 effective January 1, 1990, and applies to license tax for  
13 years beginning after December 31, 1989.

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"37-61-211. Annual license tax -- municipal tax prohibited. (1) Every attorney or counselor at law admitted by the supreme court of the state to practice his profession within the state ~~shall be~~ is required to pay a license tax of ~~\$10-per-annum, \$250~~ \$25 a year, which ~~The~~ tax ~~shall be~~ is payable to and collected by the clerk of the supreme court on or before April 1 of each year.

(2) Upon the payment of ~~such the~~ tax, the clerk shall issue and deliver a certificate to the person paying the ~~same tax~~, certifying to the payment of ~~said the~~ license tax and stating the period covered by ~~said the~~ payment.

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state."

**Section 2.** ~~Section 37-61-213, MCA, is amended to read:~~

~~"37-61-213. --Disposition-of-license-tax:--All moneys-so money collected during any month shall must,--on--or--before the--first--day-of-the-succeeding-month,--be-delivered-to-and deposited-with-the-state--treasurer--by--the--clerk--of--the supreme--court,--and--the-state-treasurer-shall-deposit such moneys the money in the general fund for supreme court and district court operation programs to pay the salaries of supreme court justices and district court judges."~~

NEW SECTION. **Section 2.** Effective date. [This act] is effective January 1, 1990, and applies to license tax for years beginning after December 31, 1989.

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**NEW SECTION. Section 2.** Effective date. [This act] is effective January 1, 1990, and applies to license tax for years beginning after December 31, 1989.

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