HOUSE BILL NO. 292

INTRODUCED BY BENEDICT

IN THE HOUSE

| JANUARY 21, 1991 | INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. |
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| | FIRST READING. |
| FEBRUARY 1, 1991 | COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED. |
| FEBRUARY 2, 1991 | PRINTING REPORT. |
| FEBRUARY 4, 1991 | SECOND READING, DO PASS. |
| FEBRUARY 5, 1991 | ENGROSSING REPORT. |
| FEBRUARY 6, 1991 | THIRD READING, PASSED. AYES, 99; NOES, 0. |
| | TRANSMITTED TO SENATE. |
| IN | THE SENATE |
| FEBRUARY 7, 1991 | INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. |
| | FIRST READING. |
| MARCH 16, 1991 | COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED. |
| MARCH 18, 1991 | ON MOTION, CONSIDERATION PASSED UNTIL THE 59TH LEGISLATIVE DAY. |
| MARCH 20, 1991 | ON MOTION, CONSIDERATION PASSED UNTIL THE 65TH LEGISLATIVE DAY. |
| MARCH 28, 1991 | SECOND READING, CONCURRED IN AS AMENDED. |
| APRIL 1, 1991 | THIRD READING, CONCURRED IN. AYES, 47; NOES, 2. |
| | RETURNED TO HOUSE WITH AMENDMENTS. |
| | |

IN THE HOUSE

APRIL 8, 1991

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS

CONCURRED IN.

APRIL 9, 1991

THIRD READING, AMENDMENTS

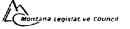
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

House BILL NO. 292 1 2 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING GOVERNMENTAL ENTITY THAT IS PARTY TO A COURT ACTION TO PREPAY CERTAIN FEES; AND AMENDING SECTION 25-10-405, MCA." 6 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 9 Section 1. Section 25-10-405, MCA, is amended to read: 10 *25-10-405. Governmental entities not required to prepay fees -- exceptions. The state, a county, a 11 municipality, or any subdivision thereof or any officer when 12 13 prosecuting or defending an action on behalf of the state, a 14 county, a municipality, or a subdivision thereof is not 15 required to pay or deposit any fee or amount to or with any 16 officer during the prosecution or defense of an action, 17 except the fee under 25-1-201(1)(p) for filing a motion for 18 substitution of a judge and all fees for photocopies, 19 postage and handling, certifications or authentications, and 20 record searches."

-End-



STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0292, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act requiring a governmental entity that is party to a court action to prepay certain fees.

ASSUMPTIONS:

1. Costs will increase with the implementation of HB0292. However, due to the sporadic occurrence of court actions and differing levels of documentation associated with each action, no ascertainable material fiscal impact is available or assumed.

FISCAL IMPACT:

Minimal impact on all funds is assumed.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

This bill clarifies that Clerk of Court service charges other than filing fees may be assessed to governmental entities. The primary impact would be to Lewis & Clark County which is currently charging fees for photocopies, certifications, and searches based on a prior county attorney's opinion. Statewide, minimal impact on local revenues is assumed.

ROD SUNDSTED, BUDGET DIRECTOR

Office of Budget and Program Planning

STEVE BENEDICT, PRIMARY SPONSOR

Fiscal Note for <u>HBO29</u>?, as introduced

HB 292-1

LC 0682/01

APPROVED BY COMMITTEE ON JUDICIARY

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| 6 | PREPAY CERTAIN FEES; AND AMENDING SECTION 25-10-405, MCA." |
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| 8 | BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: |
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| 12 | municipality, or any subdivision thereof or any officer when |
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| 16 | officer during the prosecution or defense of an action, |
| 17 | except the fee under 25-1-201(1)(p) for filing a motion for |
| 18 | substitution of a judge and all fees for photocopies, |
| 19 | postage and handling, certifications or authentications, and |
| 20 | record searches." |

-End-



SECOND READING
HS 272

House BILL NO. 292 1 2 INTRODUCED BY 3 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A GOVERNMENTAL ENTITY THAT IS PARTY TO A COURT ACTION TO PREPAY CERTAIN FEES; AND AMENDING SECTION 25-10-405, MCA." 7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 8 9 Section 1. Section 25-10-405, MCA, is amended to read: 10 *25-10-405. Governmental entities not required to prepay fees -- exceptions. The state, a county, a 11 12 municipality, or any subdivision thereof or any officer when prosecuting or defending an action on behalf of the state, a 13 14 county, a municipality, or a subdivision thereof is not required to pay or deposit any fee or amount to or with any 15 16 officer during the prosecution or defense of an action, 17 except the fee under 25-1-201(1)(p) for filing a motion for substitution of a judge and all fees for photocopies, 18 19 postage and handling, certifications or authentications, and record searches." 20

-End-



THIRD READING
HB 272

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 26, 1991 12:25 pm Mr. Chairman: I move to amend House Bill No. 292 (third reading copy -- blue) as follows:

1. Page 1, line 19. Strike: "certification or"

ADOPT

REJECT

Signed:

Senator Halliga

Jul 3-26-9/ And. coord.

5B 326 Sec. of Senate

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-End-



REFERENCE BILL
AS AMENDED
HRADED