

Senate Bill 121

In The Senate

January 14, 1981	Introduced and referred to Committee on Local Government.
January 15, 1981	Fiscal note requested.
January 21, 1981	Fiscal note returned.
February 21, 1981	Committee recommend bill do not pass.

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Senate BILL NO. *121*
Ochener Mike Anderson Lee

INTRODUCED BY
A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE FEES OF THE CLERK OF DISTRICT COURT; AMENDING SECTIONS 19-5-404, 25-1-201, AND 25-1-202, MCA."

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

Section 1. Section 25-1-201, MCA, is amended to read:

"25-1-201. Fees of clerk of district court. (1) The clerk of the district court shall collect the following fees:

(a) at the commencement of each action or proceeding, from the plaintiff or petitioner, ~~\$20~~ \$40; and for filing a complaint in intervention, from the intervenor, ~~\$20~~ \$40; and for a petition for modifying a decree, \$20;

(b) from each defendant or respondent, on his appearance, \$10;

(c) on the entry of judgment, from the prevailing party, \$10; on the confession of a judgment, \$10;

~~(d)--for--preparing--copies--of--papers--on--file--in--his--office--25-cents-per-page~~

~~(e)(d)~~ for each certificate or oath and jurat, with seal, 50-cents \$1;

~~(f)--for--oath--and--jurat--with--seal--50-cents~~

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~~(g)--for--administering--oath--25-cents~~
~~(h)--for--taking--depositions--per--folioy--20-cents~~
~~(i)(e)~~ for issuing, filing, and or docketing a transcript of judgment or abstract of judgment from all other courts, \$5 \$10;
~~(j)(f)~~ for issuing an execution or order of sale on a foreclosure of a lien, \$2;
~~(k)(g)~~ for transmission of records, appeals or files, or transfer of a case to another court, \$5 \$10;
~~(l)(h)~~ for filing and entering papers received by transfer from other courts, \$10;
~~(m)(i)~~ for issuing a marriage license or filing a declaration of marriage, \$15 \$25, \$16 of which is subject to the provisions of subsection (3) of this section and \$9 of which shall be paid into the state general fund pursuant to 40-2-405;
~~(n)(j)~~ on for the filing of an application for informal, formal, ancillary or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$35 \$40, which includes the fee for filing a will for probate. For the filing of any counterpetition or proceedings contesting the appointment of a personal representative, guardian, or conservator or the filing of any counterpetition or proceedings contesting a

1 will or any administration of an estate, \$40;
 2 (k) for the filing of a petition for adoption,
 3 including decrees, \$20;
 4 (l) for filing any paper not connected with a civil or
 5 probate matter such as bonds to discharge liens, \$10;
 6 (m) for issuing gun permits, \$5.
 7 (2) Forty percent of all fees collected by the clerk
 8 of the district court shall be deposited in and credited to
 9 the general fund of the county. The remaining portion of the
 10 fees shall be remitted to the state to be deposited as
 11 provided in 19-5-404. The clerk of the district court shall
 12 collect the following fees which he shall deposit into the
 13 county general fund for the official use of the court and
 14 the clerk depositing the fee:
 15 (a) for preparing copies of papers on file in his
 16 office, 50 cents a page;
 17 (b) for recording of a marriage license, 25 cents as
 18 provided in 50-15-301;
 19 (c) for record and judgment searches, 50 cents a year
 20 for each person who is named as a party for the purpose of
 21 such record or judgment.
 22 (3) Sixty percent of all fees collected by the clerk
 23 of district court, except as provided in subsection (2) of
 24 this section, shall be deposited in and credited to the
 25 county general fund for the official use of the court and

1 the clerk depositing the fee. The remaining portion of the
 2 fees shall be remitted to the state to be deposited as
 3 provided in 19-5-404."
 4 Section 2. Section 25-1-202, MCA, is amended to read:
 5 "25-1-202. Fee for court reporter. In every issue of
 6 fact in civil actions tried before the court or jury, before
 7 the trial commences, there must be paid into the hands of
 8 the clerk of the court by each party to the suit the sum of
 9 \$3 ~~\$25~~, which sum must be paid by said clerk into the
 10 treasury of the county where the cause is tried to be
 11 ~~applied upon the payment of the salary of the reporter used~~
 12 by the clerk to defray the cost of making a certifiable
 13 record. The prevailing party may have the amount so paid by
 14 him taxed in his bill of costs as proper disbursements."
 15 Section 3. Section 19-5-404, MCA, is amended to read:
 16 "19-5-404. Contributions by the state. The state of
 17 Montana shall contribute monthly to the fund a sum equal to
 18 6% of the salary of each member. In addition, the clerk of
 19 each district court shall transmit ~~60%~~ 40% of the fees
 20 collected under 25-1-201(1) to the state, which shall first
 21 deposit in the fund an amount equal to 20% of the salaries
 22 paid to district judges and supreme court justices who are
 23 covered by the judges' retirement system and then deposit
 24 the balance in the state general fund. The clerk of the
 25 supreme court shall pay one-fourth of the fees collected

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1 under 3-2-403 to the public employees' retirement division
2 of the department of administration to be credited to the
3 fund."

-End-

SB 121

STATE OF MONTANA

REQUEST NO. 100-81

FISCAL NOTE

Form BD-15

In compliance with a written request received _____, 19 _____, there is hereby submitted a Fiscal Note for ~~Senate Bill 121~~ pursuant to Title 5, Chapter 4, 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:

A proposal to increase certain District Court fees, creating new fees, and revising the distribution of fee revenue between county general funds and the Judge's Retirement System.

ASSUMPTIONS:

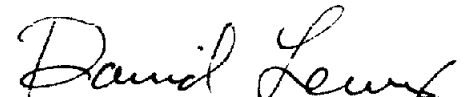
1. That District Court fee collections will remain at the FY 80 level throughout the biennium.
2. That only current fees will be increased. No estimate is made of increased revenues from the new fees contained in the bill.

REVENUE IMPACT:

	<u>FY 82</u>	<u>FY 83</u>	<u>Total Biennium</u>
District Court Fees collected under current law	\$ 932,094	\$ 932,094	\$ 1,864,188
District Court Fees collected under proposed law	<u>1,406,724</u>	<u>1,406,724</u>	<u>2,813,448</u>
Increase in District Court Fees	<u>\$ 474,630</u>	<u>\$ 474,630</u>	<u>\$ 949,260</u>

FUND INFORMATION

	<u>FY 82</u>	<u>FY 83</u>	<u>Total Biennium</u>
County General Funds	\$ 456,977	\$ 456,977	\$ 913,954
Judges' Retirement System	<u>17,653</u>	<u>17,653</u>	<u>35,306</u>
Total Increase	<u>\$ 474,630</u>	<u>\$ 474,630</u>	<u>\$ 949,260</u>



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-20-81