

HOUSE BILL NO. 496

Introduced: 01/25/83

Referred to Committee on Judiciary: 01/25/83

Hearing: 2/4/83

Report: 02/04/83, Do Not Pass

Bill Killed: 2/7/83

1 *House* BILL NO. *496*
 2 INTRODUCED BY *to the* *J. Brown*
 3 *Berg*

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING CLERKS OF
 5 DISTRICT COURTS TO ISSUE PASSPORTS IN ACCORDANCE WITH
 6 FEDERAL LAW AND TO ESTABLISH AND COLLECT FEES FOR ISSUING
 7 PASSPORTS; REQUIRING THAT PASSPORT FEES BE DEPOSITED IN THE
 8 COUNTY GENERAL FUND; AMENDING SECTION 25-1-201, MCA."

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

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

12 "25-1-201. Fees of clerk of district court. (1) The
 13 clerk of the district court shall collect the following
 14 fees:

15 (a) at the commencement of each action or proceeding,
 16 from the plaintiff or petitioner, \$20; and for filing a
 17 complaint in intervention, from the intervenor, \$20;

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

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

22 (d) for preparing copies of papers on file in his
 23 office, 25 cents per page;

24 (e) for each certificate, with seal, 50 cents;

25 (f) for oath and jurat, with seal, 50 cents;

1 (g) for administering oath, 25 cents;

2 (h) for taking depositions, per folio, 20 cents;

3 (i) for filing and docketing a transcript of judgment
 4 or abstract of judgment from all other courts, \$5;

5 (j) for issuing an execution or order of sale on a
 6 foreclosure of a lien, \$2;

7 (k) for transmission of records or files or transfer
 8 of a case to another court, \$5;

9 (l) for filing and entering papers received by
 10 transfer from other courts, \$10;

11 (m) for issuing a marriage license, \$30;

12 (n) on the filing of an application for informal,
 13 formal, or supervised probate or for the appointment of a
 14 personal representative or the filing of a petition for the
 15 appointment of a guardian or conservator, from the applicant
 16 or petitioner, \$35, which includes the fee for filing a will
 17 for probate.

18 (2) Except as provided in subsection (3), 40% of all
 19 fees collected by the clerk of the district court shall be
 20 deposited in and credited to the general fund of the county.
 21 The remaining portion of the fees shall be remitted to the
 22 state to be deposited as provided in 19-5-404.

23 (3) In the case of a fee collected for issuing a
 24 marriage license, \$14 must be deposited in and credited to
 25 the state general fund, \$6.40 must be deposited in and

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1 credited to the county general fund, and \$9.60 must be
2 remitted to the state to be deposited as provided in
3 19-5-404.

4 (4) The clerk of the district court shall issue
5 passports in accordance with federal law and establish and
6 collect a fee for the issuance of a passport, not to exceed
7 the actual cost of issuance. Fees collected for issuance of
8 passports must be deposited in the general fund of the
9 county."

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