HOUSE BILL NO. 705

INTRODUCED BY SPAETH, ADDY, RAMIREZ, TOWE, MCBRIDE BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT DIVISION

IN THE HOUSE

February 10, 1983	Introduced and referred to Committee on Judiciary.
February 17, 1983	Committee recommend bill do pass as amended. Report adopted.
February 18, 1983	Bill printed and placed on members' desks.
February 19, 1983	Second reading, do pass.
February 21, 1983	Considered correctly engrossed.
February 22, 1983	Third reading, passed. Transmitted to Senate.
IN	THE SENATE
March 1, 1983	Introduced and referred to Committee on Judiciary.
March 22, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 25, 1983	Second reading, concurred in.
	Segregated.
March 26, 1983	Second reading, concurred in as amended.
March 28, 1983	Third reading, concurred in. Ayes, 42; Noes, 5.

IN THE HOUSE

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March	28, 1983	Returned to House with amendments.
April	1, 1983	Second reading, pass consideration.
April	4, 1983	Second reading, amendments concurred in.
April	5, 1983	Third reading, amendments concurred in.
		Sent to enrolling.
		Reported correctly enrolled.

LC 1245/01

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House BILL NO. 705 1 INTROJICED BY 2 BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT DIVISION 3 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING CERTAIN DISTRICT COURT FEES; REDISTRIBUTING THE PERCENTAGE AMOUNT OF 6 COURT FEES DEPOSITED IN THE COUNTY AND STATE GENERAL FUNDS; 7 INCREASING CERTAIN MEMBERS' CONTRIBUTIONS TO THE JUDGES' 8 RETIREMENT SYSTEM; INCREASING THE AMOUNT OF COURT FEES 9 10 DEPOSITED IN THE RETIREMENT SYSTEM; AMENDING SECTIONS 19-5-402, 19-5-404, AND 25-1-201, MCA; AND PROVIDING AN 11 EFFECTIVE DATE." 12 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 Section 1. Section 25-1-201, MCA, is amended to read: 15 "25-1-201. Fees of clerk of district court. (1) The 16 clerk of the district court shall collect the following 17 18 fees: (a) at the commencement of each action or proceeding, 19 20 from the plaintiff or petitioner, #20 125; and for filing a complaint in intervention, from the intervenor, #20 125; 21 22 (b) from each defendant or respondent, on his 23 appearance, 410 \$15; (c) on the entry of judgment, from the prevailing 24 party, \$10; 25

(d) for preparing copies of papers on file in his 1 2 office, 25 cents per page; (e) for each certificate, with seal, 50 cents; 3 (f) for oath and jurat, with seal, 50 cents; 4 (g) for administering oath, 25 cents; 5 (h) for taking depositions, per folio, 20 cents; 6 (i) for filing and docketing a transcript of judgment 7 or abstract of judgment from all other courts, \$5; 8 (i) for issuing an execution or order of sale on a 9 10 foreclosure of a lien, \$2; (k) for transmission of records or files or transfer 11 12 of a case to another court, \$5; 13 (1) for filing and entering papers received by transfer from other courts, \$10; 14 15 (m) for issuing a marriage license, \$30; 16 (n) on the filing of an application for informal, 17 formal, or supervised probate or for the appointment of a 18 personal representative or the filing of a petition for the appointment of a quardian or conservator, from the applicant 19 20 or petitioner, \$35, which includes the fee for filing a will 21 for probate. (2) Except as provided in subsection (3), 40% 30% of 22 all fees collected by the clerk of the district court shall 23 be deposited in and credited to the general fund of the 24 county. The remaining portion of the fees shall be remitted 25

-2- INTRODUCED BILL

1 to the state to be deposited as provided in 19-5-404.

2 (3) In the case of a fee collected for issuing a 3 marriage license, \$14 must be deposited in and credited to 4 the state general fund, \$6.40 must be deposited in and 5 credited to the county general fund, and \$9.60 must be 6 remitted to the state to be deposited as provided in 7 19-5-404.^m

8 Section 2. Section 19-5-402, MCA, is amended to read: 9 *19-5-402. Memoer's contribution deducted from salary. 10 Every member shall be required to contribute into the fund a 11 sum equal to 6% of his monthly salary, except that a member 12 elected_or_appointed_to_office_after_July_1*_1983*_shall__be 13 required_to_contribute_into_the_fund_a_sum_equal_to_7% of 14 bis wonthly salary beginning on the first day of __bis__term. 15 which Ibis sum shall be deducted from his salary and credited to his account in the fund." 16

17 Section 3. Section 19-5-404, MCA, is amended to read: "19-5-404. Contributions by the state. The state of 18 19 Nontana shall contribute monthly to the fund a sum equal to 6% of the salary of each member. In addition, the clerk of 20 21 each district court shall transmit 60% 70% of the fees 22 collected under 25-1-201 to the state, which shall first deposit in the fund an amount equal to 20% 31% of the 23 salaries paid to district judges and supreme court justices 24 who are covered by the judges' retirement system and then 25

deposit the balance in the state general fund. The clerk of
 the supreme court shall pay one-fourth of the fees collected
 under 3-2-403 to the public employees! retirement division
 of the department of administration to be credited to the
 fund."
 NEW SECTION. Section 4. Effective date. This act is

7 effective July 1, 1983.

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STATE OF MONTANA

REQUEST NO. ____

FISCAL NOTE

Form BD-15

385-83

In	compliance	with	a written	request receivedF	bruary 14.	, 19 <u>83</u>	, there is hereby su	bmitted a Fiscal Note
for	House	Bil	1 705	pursuant to	Title 5, Chapter 4	, Part 2 of the	Montana Code Ann	otated (MCA).
Ba	ckground in	format	tion used i	n developing this Fiscal N	lote is available fro	om the Office o	of Budget and Program	n Planning, to members

of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 705 is an act to provide adequate funding in the Judges' Retirement System by increasing court fees and increasing certain members contributions.

ASSUMPTIONS:

Assume 25,509 fee cases per year statewide when excluding political subdivisions.
 Assume a fee increase of \$10 per case.

FISCAL IMPACT: Court Fees: State Share Under Current Law Under Proposed Law Increase	FY84 \$ 480,000 738,563 258,563	<u>FY85</u> \$ 489,600 <u>753,334</u> <u>263,734</u>
County Share Under Current Law Under Proposed Law Decrease	320,000 316,527 (3,473)	326,400 <u>322,857</u> <u>(3,543)</u>
TOTAL FEES Under Current Law Under Proposed Law Increase	800,000 1,055,090 255,090	816,000 <u>1,076,191</u> <u>260,191</u>
To Retirement System From Court Fees Under Current Law Under Proposed Law Increase	305,030 472,796 \$ $167,766$	305,030 472,796 \$ 167,766

NOTE :

Contributions to the judges retirement system will remain constant unless the number of judges or statutory salary is increased.

FISCAL NOTE 15:H/1

BUDGET DIRECTOR Office of Budget and Program Planning Date:

16

48th Legislature

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HB 0705/02

HB 705

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SECOND READING

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Approved by Committee on Judiciary

1	HOUSE BILL NO. 705	1	in use by the system.
2	INTRODUCED BY SPAETH, ADDY, RAMIREZ, TOWE, MCBRIDE	2	(3) "Beneficiary" means the person whom the
3	BY REQUEST OF THE PUBLIC EMPLOYEES" RETIREMENT DIVISION	3	contributor nominates by written designation, duly
-4		4	acknowledged and filed with the board.
5	A BILL FOR AN ACT ENTITLED: "AN ACT <u>redefining_final_salary</u>	5	(4) "Board" means the public employees* retirement
6	EOREUIUREMEMBERSOEIHEJUDGES!REFIREMENTSYSTEM:	. 6	board.
7	INCREASING CERTAIN DISTRICT COURT FEES; REDISTRIBUTING THE	7	(5) "Contributor" means any person who has accumulated
8	PERCENTAGE AMOUNT OF COURT FEES DEPOSITED IN THE COUNTY AND	8	deductions in the fund standing to his credit.
9	STATE GENERAL FUNDS; INCREASING CERTAIN MEMBERS*	. 9	(5) "Final salary" means;
10	CONTRIBUTIONS TO THE JUDGES' RETIREMENT SYSTEM; INCREASING	10	(a)for_a_mamber_joining_the_retirement_systembefore
11	THE AMOUNT OF COURT FEES DEPOSITED IN THE RETIREMENT SYSTEM;	11	<u>July_la_1983.</u> the annual current salary for the office
12	AMENDING SECTIONS <u>19=5=101.</u> 19-5-402, 19-5-404, AND	12	retired from <u>: or</u>
13	25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."	13	[b]for_a_member_joining_the_retirement_systemooor
14		14	after_july_11983.the_annual_salary_for_the_office_retired
15	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	15	from_as_of_the_date_of_retirement.
16	SECTION_1SECTION_19-5-101NCAIS_AMENDED_TOBEAD:	16	[7] "Fund" means the Montana judges' retirement system
17	*19-5-101. Definitions. Unless a different meaning is	17	agency account.
18	plainly implied by the context, the following definitions	18	(8) "Involuntary retirement" means a retirement not
19	apply in this chapter:	19	for cause and before retirement age.
20	(1) "Accumulated deductions" means the total of the	20	(9) "Member's annuity" means payments for life derived
21	amounts deducted from the salary of a contributor, paid into	21	from contributions made by the contributor.
22	the fund, and standing to his credit in the fund, together	22	(10) "Penalty retirement age" means 70 years of age.
23	with the regular interest thereon.	23	(11) "Retired judge" means any judge or justice in
24	(2) "Actuarial equivalent" means a benefit of equal	24	receipt of a retirement allowance under this chapter.
25	value when computed upon the basis of the actuarial tables	25	(12) "Retirement allowance" means the state annuity

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1	plus the member's annuity.	1	of a case to another court, \$5;
2	(13) "State annuity" means payments for life derived	2	(1) for filing and entering papers received by
3	from contributions made by the state of Montana."	3	transfer from other courts, \$10;
4	Section 2. Section 25-1-201. MCA; is amended to read:	4	(m) for issuing a marriage license, \$30;
5	#25-1-201. Fees of clerk of district court. (1) The	5	(n) on the filing of an application for informal,
6	clerk of the district court shall collect the following	6	formal, or supervised probate or for the appointment of a
7	fees:	7	personal representative or the filing of a petition for the
8	(a) at the commencement of each action or proceeding,	8	appointment of a guardian or conservator, from the applicant
9	from the plaintiff or petitioner, #20 \$25; and for filing a	9	or petitioner, \$35, which includes the fee for filing a will
10	complaint in intervention, from the intervenor, \$28 \$25;	10	for probate.
11	(b) from each defendant or respondent, on his	11	(2) Except as provided in subsection (3), 48% 38% 32%
12	appearance, #10 <u>\$15;</u>	12	of all fees collected by the clerk of the district court
13	(c) on the entry of judgment, from the prevailing	13	shall be deposited in and credited to the general fund of
14	party, \$10;	14	the county. The remaining portion of the fees shall be
15	(d) for preparing copies of papers on file in his	15	remitted to the state to be deposited as provided in
16	office, 25 cents per page;	16	19-5-404.
17	(0) for each certificate, with seal, 50 cents;	17	(3) In the case of a fee collected for issuing a
18	(f) for oath and jurat, with seal, 50 cents;	18	marriage license, \$14 must be deposited in and credited to
19	(g) for administering oath, 25 cents;	19	the state general fund, \$6.40 must be deposited in and
20	(h) for taking depositions, per folio, 20 cents;	20	credited to the county general fund, and \$9.60 must be
21	(i) for filing and docketing a transcript of judgment	21	remitted to the state to be deposited as provided in
22	or abstract of judgment from all other courts, \$5;	22	19~5-404."
23	(j) for issuing an execution or order of sale on a	23	Section 3. Section 19-5-402, NCA, is amended to read:
24	foreclosure of a lien, \$2;	24	*19-5-402. Member's contribution deducted from salary.
25	(k) for transmission of records or files or transfer	25	Every member shall be required to contribute into the fund a
	-3- HB 705		-4- HB 705

sum equal to 6% of his monthly salary, except_tbat_a_member glected_or_appointed_to_office_after_July_1s_1983s_shall_be required_to_contribute_into_the_fund_a_sum_equal_to_7% of bis_monthly_salary_beginning_on_the_first_day_of_bls_terms which This sum shall be deducted from his salary and credited to his account in the fund."

7 Section 4. Section 19-5-404, MCA, is amended to read: "19-5-404. Contributions by the state. The state of 8 Montana shall contribute monthly to the fund a sum equal to 9 6% of the salary of each member. In addition, the clerk of 10 each district court shall transmit 60% 76% 68% of the fees 11 collected under 25-1-201 to the state, which shall first 12 13 deposit in the fund an amount equal to 20% 31% of the salaries paid to district judges and supreme court justices 14 who are covered by the judges' retirement system and then 15 16 deposit the balance in the state general fund. The clerk of the supreme court shall pay one-fourth of the fees collected 17 18 under 3-2-403 to the public employees' retirement division 19 of the department of administration to be credited to the fund." 20

21 <u>YEW_SECIION</u> Section 5. Effective date. This act is 22 effective July 1, 1983.

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48th Legislature

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STATE

HB 0705/02

HOUSE BILL NO. 705 1 in use by the system. INTRODUCED BY SPAETH, ADDY, RAMIREZ, TONE, MCBRIDE 2 (3) "Beneficiary" • the the neans person whom BY REQUEST OF THE PUBLIC EMPLOYEES" RETIREMENT DIVISION 3 contributor nominates by written designation, duly 4 acknowledged and filed with the board. A BILL FOR AN ACT ENTITLED: "AN ACT <u>redefining_final_salary</u> 5 (4) "Board" means the public employees' retirement EOR__EUTURE__MEMBERS__OF__THE__JUDGES!__RETIREMENT___SYSTEM: 6 board. INCREASING CERTAIN DISTRICT COURT FEES; REDISTRIBUTING THE 7 (5) "Contributor" means any person who has accumulated PERCENTAGE AMOUNT OF COURT FEES DEPOSITED IN THE COUNTY AND deductions in the fund standing to his credit. 8 GENERAL FUNDS: INCREASING CERTAIN MEMBERS* 9 (6) "Final salary" means: CONTRIBUTIONS TO THE JUDGES! RETIREMENT SYSTEM; INCREASING 10 (a) for a member joining the retirement system before THE AMOUNT OF COURT FEES DEPOSITED IN THE RETIREMENT SYSTEM; 11 <u>July la 1983</u>, the annual current salary for the office AMENDING SECTIONS 19:5-101: 19-5-402: 19-5-404: AND 12 retired fromi or 25-1-201. MCA: AND PROVIDING AN EFFECTIVE DATE." 13 1bl_for_a_member_joining_the_retirement_system_on_or 14 after_July_le_1983e_the_annual_salary_for_the_office_retired BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 from as of the data of retirement. SECTION 1. SECTION 19-5-101. MCA. IS AMENDED TO READ: 16 (7) "Fund" means the Montana judges" retirement system "19-5-101. Definitions. Unless a different meaning is 17 agency account. plainly implied by the context, the following definitions 18 (8) "Involuntary retirement" means a retirement not apply in this chapter: 19 for cause and before retirement age. (1) "Accumulated deductions" means the total of the 20 (9) "Member's annuity" means payments for life derived amounts deducted from the salary of a contributor, paid into from contributions made by the contributor. 21 the fund, and standing to his credit in the fund, together 22 (10) "Penalty retirement age" means 70 years of age. with the regular interest thereon. 23 (11) "Retired judge" means any judge or justice in (2) "Actuarial equivalent" means a benefit of equal 24 receipt of a retirement allowance under this chapter. value when computed upon the basis of the actuarial tables 25 (12) "Retirement allowance" means the state annuity

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HB 0705/02

1	plus the member's annuity.	1	of a case to another court, \$5;
2	(13) "State annuity" means payments for life derived	2	(1) for filing and entering papers received by
3	from contributions made by the state of Montana."	3	transfer from other courts, \$10;
4	Section 2. Section 25-1-201, MCA, is amended to read:	4	(m) for issuing a marriage license, \$30;
5	#25-1-201. Fees of clerk of district court. (1) The	5	(n) on the filling of an application for informal,
6	clerk of the district court shall collect the following	6	formal, or supervised probate or for the appointment of a
7	fees:	7	personal representative or the filing of a petition for the
8	(a) at the commencement of each action or proceeding,	8	appointment of a guardian or conservator, from the applicant
9	from the plaintiff or petitioner, \$20 \$25; and for filing a	9	or petitioner, \$35, which includes the fee for filing a will
10	complaint in intervention, from the intervenor, #20 525;	10	for probate.
11	(b) from each defendant or respondent, on his	11	(2) Except as provided in subsection (3), 40% 30% 32%
12	appearance, #10 <u>\$15;</u>	12	of all fees collected by the clerk of the district court
13	(c) on the entry of judgment, from the prevailing	13	shall be deposited in and credited to the general fund of
14	party, \$10;	14	the county. The remaining portion of the fees shall be
15	(d) for preparing copies of papers on file in his	15	remitted to the state to be deposited as provided in
16	office, 25 cents per page;	16	19-5-404.
17	(a) for each certificate, with seal, 50 cents;	17	(3) In the case of a fee collected for issuing a
18	(f) for oath and jurat, with seal, 50 cents;	18	marriage license, \$14 must be deposited in and credited to
19	(g) for administering oath, 25 cents;	19	the state general fund, \$6.40 must be deposited in and
20	(h) for taking depositions, per folio, 20 cents;	20	credited to the county general fund, and \$9.60 must be
21	(i) for filing and docketing a transcript of judgment	21	remitted to the state to be deposited as provided in
22	or abstract of judgment from all other courts, \$5;	22	19-5-404**
23	(j) for issuing an execution or order of sale on a	23	Section 3. Section 19-5-402, NCA, is amended to read:
24	foreclosure of a lien, \$2;	24	*19-5-402. Member's contribution deducted from salary.
25	(k) for transmission of records or files or transfer	25	Every member shall be required to contribute into the fund a
	—3— НВ 705		-4- HB 705

sum equal to 6% of his monthly salary, except_tbat_a_member elected_or_appointed_to_office_after_July_1s_1983s_shall__be cequired_to_contribute_into the fund a sum equal_to 7% of his_monthly_salary_begioning_on_tbe_first_day_of__bis__terms which Ibis_sum shall be deducted from his salary and credited to his account in the fund."

Section 4. Section 19-5-404, MCA, is amended to read: 7 "19-5-404. Contributions by the state. The state of 8 Montana shall contribute monthly to the fund a sum equal to 9 6% of the salary of each member. In addition, the clerk of 10 11 each district court shall transmit 60% 78% 68% of the fees collected under 25-1-201 to the state, which shall first 12 13 deposit in the fund an amount equal to 29% 31% of the salaries paid to district judges and supreme court justices 14 who are covered by the judges' retirement system and then 15 deposit the balance in the state general fund. The clerk of 16 17 the supreme court shall pay one-fourth of the fees collected under 3-2-403 to the public employees* retirement division 18 19 of the department of administration to be credited to the 20 fund."

21 <u>NEW_SECTION</u> Section 5. Effective date. This act is 22 effective July 1, 1983.

-End-

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H8 705

SENATE STANDING COMMITTEE REPORT (Judiciary)

That House Bill No. 705 be amended as follows:

1. Title, line 6.
Following: "SYSTEM;"
Insert: "PROVIDING THAT A JUDGE ELECTED OR APPOINTED TO OFFICE
ON OR AFTER JULY 1, 1983, WHO RETIRES INVOLUNTARILY BEFORE AGE
65 CANNOT RECEIVE FULL STATE RETIREMENT BENEFITS;"

.....

2. Title, line 12. Following: "19-5-404," Insert: "19-5-503,"

3. Page 5. Following: line 20 Insert: "SECTION 5. SECTION 19-5-503, MCA, IS AMENDED TO READ:

"19-5-503. Involuntary retirement allowance. (1) If a contributor is involuntarily discontinued from service after having completed 5 years of total service but before reaching retirement age, he shall, upon filing an application in the manner prescribed by the board, be paid whichever of the following allowances that he elects:

(a) the full ensure of his second

(a) the full amount of his accumulated deductions; or

(b) a member's annuity of equivalent actuarial value to his accumulated deductions, plus an annuity which is the actuarial equivalent of the present value of the state annuity then standing to his credit.

(2) If a contributor <u>elected or appointed to office prior to</u> July 1, 1983 is involuntarily discontinued from service after having completed 12 years of total service but before reaching retirement age, he shall, upon filing an application in the manner prescribed by the board, be paid whichever of the following allowances that he elects:

(a) the full amount of his accumulated deductions; or

(b) a member's annuity of equivalent actuarial value to his accumulated deductions, plus a state annuity in an amount which, when added to the member's annuity, will provide a total annuity equal to the allowance provided for in 19-5-502.

(3) If a contributor elected or appointed to office after July 1, 1983 is involuntarily discontinued from service after having completed 12 years of total service but before reaching retirement age, he may apply for and receive benefits under this chapter pursuant to subsection (1).""

Renumber: subsequent section

March 26, 1983

SENATE COMMITTEE OF THE WHOLE AMENDMENT

That House Bill No. 705 be amended as follows:

1. Page 1, lines 5 and 6 Strike: "REDEFINING FINAL SALARY FOR FUTURE MEMBERS OF THE JUDGES' RETIREMENT SYSTEM"

2. Title, line 12 Strike: "<u>19-5-101,</u>"

3. Page 1, line 16 Strike: Section 1 in its entirety Renumber: subsequent sections •

HB 0705/03

1	HOUSE BILL NO. 705
Z	INTRODUCED BY SPAETH, ADDY, RAMIREZ, TOWE, MCBRIDE
3	BY REQUEST OF THE PUBLIC EMPLOYEES" RETIREMENT DIVISION
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT <u>Redeeining-einal-salary</u>
6	EBREUTUREUEURERSOETHEUBGES!RETIREMENTSYSTEM:
7	PROVIDINGIHAT_A_JUDGE_ELECTED_OR_APPOINTED_TO_OFFICE_DN_DB
8	AFTER_JULY_1_1983WHO_RETIRES_INVOLUNIARILY_BEEORE_AGE65
9	CANNOT_BECEIVE_EULL_STATE_BETTREMENT_BENEETTS: INCREASING
10	CERTAIN DISTRICT COURT FEES; REDISTRIBUTING THE PERCENTAGE
11	AMOUNT OF COURT FEES DEPOSITED IN THE COUNTY AND STATE
12	GENERAL FUNDS; INCREASING CERTAIN MEMBERS CONTRIBUTIONS TO
13	THE JUDGES' RETIREMENT SYSTEM; INCREASING THE AMOUNT OF
14	COURT FEES DEPOSITED IN THE RETIREMENT SYSTEM; AMENDING
15	SECTIONS 19-5-101+ 19-5-402+ 19-5-404+ 19-5-503+ AND
16	25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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 #19-5+101--Definitions-Unless-a-different-meaning-is

 21
 plainly--Implied--by--the-contexty-the-following-definitions

 22
 apply-in-this-chapter+

23	t}*Accumutotod-deductions*-means-thetotalofthe
24	amounts-deducted-from-the-salary-of-a-contributory-poid-into
25	thefundyand-standing-to-his-credit-in-the-fundy-together

1	with-the-reguler-interest-thereone
2	t2;***********************************
3	valuewhencomputed-upon-the-basis-of-the-actuarial-tables
4	in-use-by-the-system=
5	t3}*Beneficiary#meansthepersonwhomthe
6	contributornominatesbywritten designationy duiy
7	acknow ledged -and-f iled-with-the-board
8	{+ }=Boo rd =-s consthepubl+c employees retirement
9	boarde
10	(5)"Contributor"-means-any-person-who-kes-accumulated
11	deductions-in-the-fand-standing-to-his-credit=
12	top-=#Final-salary#-means <u>t</u>
13	talfora_osmbsr_joiding-the-retirement-system_before
14	<u>dulr_lx_1983r</u> theannualcurrentsalaryfortheoffice
15	retired-from <u>tor</u>
16	fbt==for==s==sember=joining=the=retirement=system=on=or
17	after-duly-ly-1983s-the-anoyal-salary-fot-the-office-retired
18	frossestetberdaterofretiresent.
19	{7}=Fund=-means-the-Montans-judges=-retirement-system
20	agency-account.
21	t8}=Involuntory-retirement=-meanssratirementnot
22	for-cause-and-before-retirement-age=
23	{?}=Member^s-annuity=-means-payments-for-life-derived
24	from-contributions-made-by-the-contributor•
25	t10;-"Penalty-retirement-age"-means-70-years-of-agew

HB 705

1	tit/~*Retfred-~judge=meansanyjudgeor-justice-in
2	receipt-of-a-retirement-allowonce-under-this-chapter-
3	(12)-*Retirement-allowan ce* m eansthestateannuity
4	płus-the-member ^a s-annuityw
5	{±3}~"Stateannuity"acanspayments-for-life-derived
6	from-contributions-made-by-the-state-of-Montana+
7	Section 1. Section 25-1-201, NCA, is amended to read:
8	"25-1-201. Fees of clerk of district court. (1) The
9	clerk of the district court shall collect the following
10	fees:
11	(a) at the commencement of each action or proceeding,
12	from the plaintiff or petitioner, #20 <u>\$25;</u> and for filing a
13	complaint in intervention, from the intervenor, \$28 \$25;
14	(b) from each defendant or respondent, on his
15	appearance, #19 <u>\$15;</u>
16	(c) on the entry of judgment, from the prevailing
17	party, \$10;
18	(d) for preparing copies of papers on file in his
19	office, 25 cents per page;
20	(e) for each certificate, with seal, 50 cents;
21	(f) for oath and jurat, with seal, 50 cents;
22	(9) for administering oath, 25 cents;
23	<pre>(h) for taking depositions, per follo, 20 cents;</pre>
24	(i) for filing and docketing a transcript of judgment
25	or abstract of judgment from all other courts, \$5;

ı	(j) for issuing an execution or order of sale on a
Z	foreclosure of a lien, \$2;
3	(k) for transmission of records or files or transfer
4	of a case to another court, \$5;
5	()) for filing and entering papers received by
6	transfer from other courts, \$10;
7	(m) for issuing a marriage license, \$30;
8	(n) on the filing of an application for informal,
9	formal, or supervised probate or for the appointment of a
10	personal representative or the filing of a petition for the
11	appointment of a guardian or conservator, from the applicant
12	or petitioner, \$35; which includes the fee for filing a will
13	for probate.
14	(2) Except as provided in subsection (3), 40% 30% 32%
15	of all fees collected by the clerk of the district court
16	shall be deposited in and credited to the general fund of
17	the county. The remaining portion of the fees shall be
18	remitted to the state to be deposited as provided in
19	19-5-404.
20	(3) In the case of a fee collected for issuing a
21	marriage license: \$14 must be deposited in and credited to
22	the state general fund, \$6.40 must be deposited in and
23	credited to the county general fund, and \$9.60 must be
24	remitted to the state to be deposited as provided in

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25 19-5-404.*

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Section 2. Section 19-5-402, MCA, is amended to read: ł *19-5-402. Member's contribution deducted from salary. 2 Every member shall be required to contribute into the fund a 3 4 sum equal to 6% of his monthly salary, except that a member elected or appointed to office after July 1: 1983: shall be 5 required to contribute into the fund a sum equal to 72 of 6 7 his wonthly salary beginning on the first day of his terms 8 which This sum shall be deducted from his salary and 9 credited to his account in the fund.*

Section 3. Section 19-5-404, MCA, is amended to read: 10 11 #19-5-404. Contributions by the state. The state of 12 Montana shall contribute monthly to the fund a sum equal to 13 6% of the salary of each member. In addition, the clerk of 14 each district court shall transmit 69% 20% 68% of the fees collected under 25-1-201 to the state, which shall first 15 deposit in the fund an amount equal to 20% 312 of the 16 salaries paid to district judges and supreme court justices 17 who are covered by the judges' retirement system and then 18 deposit the balance in the state general fund. The clerk of 19 the supreme court shall pay one-fourth of the fees collected 20 under 3-2-403 to the public employees' retirement division 21 of the department of administration to be credited to the 22 23 fund."

 24
 SECIION 4a SECIION 19-5-5031 MCAs IS AMENDED TO READ:

 25
 #19-5-503. Involuntary retirement allowance. (1) If a

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1	contributor is involuntarily discontinued from service after
2	having completed 5 years of total service but before
3	reaching retirement age, he shall, upon filing an
4	application in the manner prescribed by the board, be paid
5	whichever of the following allowances that he elects:
6	(a) the full amount of his accumulated deductions; or
7	(b) a member's annuity of equivalent actuarial value
8	to his accumulated deductions, plus an annuity which is the
9	actuarial equivalent of the present value of the state
10	annuity then standing to his credit.
11	(2) If a contributor <u>elected_or_appointed_to_office</u>
12	prior_to_duly_le_1983e is involuntarily discontinued from
13	service after having completed 12 years of total service but
14	before reaching retirement age, he shall, upon filing an
15	application in the manner prescribed by the board, be paid
16	whichever of the following allowances that he elects:
17	(a) the full amount of his accumulated deductions; or
18	(b) a member's annuity of equivalent actuarial value
19	to his accumulated deductions, plus a state annuity in an
20	amount which, when added to the member's annuity, will
21	provide a total annuity equal to the allowance provided for
22	in 19-5-502.
23	<pre>{3}Ifacontributorelected_or_appointed_to_office</pre>
24	after_July_l1983is_involuntarily_discontinued_from
25	service_after_baving_completed_12_years_of_total_service_but

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- 1 before feaching retirement ager be may apply for and receive
- 2 benefits under this chapter pursuant to subsection (1)**
- 3 NEW SECTION. Section 5. Effective date. This act is
- 4 offective July 1, 1983.

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