

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

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.

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

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

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."

8 Section 2. Section 19-5-402, MCA, is amended to read:

9 "19-5-402. Member'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 ~~his monthly salary beginning on the first day of his term,~~
15 which this sum shall be deducted from his salary and
16 credited to his account in the fund."

17 Section 3. Section 19-5-404, MCA, is amended to read:

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

1 deposit the balance in the state general fund. The clerk of
2 the supreme court shall pay one-fourth of the fees collected
3 under 3-2-403 to the public employees' retirement division
4 of the department of administration to be credited to the
5 fund."

6 NEW SECTION. Section 4. Effective date. This act is
7 effective July 1, 1983.

-End-

STATE OF MONTANA

REQUEST NO. 385-83

FISCAL NOTE

Form BD-15

In compliance with a written request received February 14, 19 83, there is hereby submitted a Fiscal Note for House Bill 705 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:

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:

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

FISCAL IMPACT:Court Fees:

	<u>FY84</u>	<u>FY85</u>
State Share		
Under Current Law	\$ 480,000	\$ 489,600
Under Proposed Law	<u>738,563</u>	<u>753,334</u>
Increase	<u>258,563</u>	<u>263,734</u>
County Share		
Under Current Law	320,000	326,400
Under Proposed Law	<u>316,527</u>	<u>322,857</u>
Decrease	<u>(3,473)</u>	<u>(3,543)</u>

TOTAL FEES

Under Current Law	800,000	816,000
Under Proposed Law	<u>1,055,090</u>	<u>1,076,191</u>
Increase	<u>255,090</u>	<u>260,191</u>

To Retirement System

From Court Fees		
Under Current Law	305,030	305,030
Under Proposed Law	<u>472,796</u>	<u>472,796</u>
Increase	\$ <u>167,766</u>	\$ <u>167,766</u>

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

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-18-83

Approved by Committee
on Judiciary

HOUSE BILL NO. 705

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

A BILL FOR AN ACT ENTITLED: "AN ACT REDEFINING FINAL SALARY
FOR FUTURE MEMBERS OF THE JUDGES' RETIREMENT SYSTEM;
INCREASING CERTAIN DISTRICT COURT FEES; REDISTRIBUTING THE
PERCENTAGE AMOUNT OF COURT FEES DEPOSITED IN THE COUNTY AND
STATE GENERAL FUNDS; INCREASING CERTAIN MEMBERS'
CONTRIBUTIONS TO THE JUDGES' RETIREMENT SYSTEM; INCREASING
THE AMOUNT OF COURT FEES DEPOSITED IN THE RETIREMENT SYSTEM;
AMENDING SECTIONS 19-5-101, 19-5-402, 19-5-404, AND
25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

SECTION 1. SECTION 19-5-101, MCA, IS AMENDED TO READ:

"19-5-101. Definitions. Unless a different meaning is
plainly implied by the context, the following definitions
apply in this chapter:

(1) "Accumulated deductions" means the total of the
amounts deducted from the salary of a contributor, paid into
the fund, and standing to his credit in the fund, together
with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal
value when computed upon the basis of the actuarial tables

in use by the system.

(3) "Beneficiary" means the person whom the
contributor nominates by written designation, duly
acknowledged and filed with the board.

(4) "Board" means the public employees' retirement
board.

(5) "Contributor" means any person who has accumulated
deductions in the fund standing to his credit.

(6) "Final salary" means:

(a) for a member joining the retirement system before
July 1, 1983, the annual current salary for the office
retired from; or

(b) for a member joining the retirement system on or
after July 1, 1983, the annual salary for the office retired
from as of the date of retirement.

(7) "Fund" means the Montana judges' retirement system
agency account.

(8) "Involuntary retirement" means a retirement not
for cause and before retirement age.

(9) "Member's annuity" means payments for life derived
from contributions made by the contributor.

(10) "Penalty retirement age" means 70 years of age.

(11) "Retired judge" means any judge or justice in
receipt of a retirement allowance under this chapter.

(12) "Retirement allowance" means the state annuity

HB 705

1 plus the member's annuity.

2 (13) "State annuity" means payments for life derived
3 from contributions made by the state of Montana."

4 Section 2. Section 25-1-201, MCA, is amended to read:
5 "25-1-201. Fees of clerk of district court. (1) The
6 clerk of the district court shall collect the following
7 fees:

8 (a) at the commencement of each action or proceeding,
9 from the plaintiff or petitioner, \$20 ~~\$25~~; and for filing a
10 complaint in intervention, from the intervenor, \$20 ~~\$25~~;

11 (b) from each defendant or respondent, on his
12 appearance, \$10 ~~\$15~~;

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

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

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

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

19 (g) for administering oath, 25 cents;

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

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

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

25 (k) for transmission of records or files or transfer

1 of a case to another court, \$5;

2 (1) for filing and entering papers received by
3 transfer from other courts, \$10;

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

5 (n) on the filing of an application for informal,
6 formal, or supervised probate or for the appointment of a
7 personal representative or the filing of a petition for the
8 appointment of a guardian or conservator, from the applicant
9 or petitioner, \$35, which includes the fee for filing a will
10 for probate.

11 (2) Except as provided in subsection (3), ~~40% 30%~~ 32%
12 of all fees collected by the clerk of the district court
13 shall be deposited in and credited to the general fund of
14 the county. The remaining portion of the fees shall be
15 remitted to the state to be deposited as provided in
16 19-5-404.

17 (3) In the case of a fee collected for issuing a
18 marriage license, \$14 must be deposited in and credited to
19 the state general fund, \$6.40 must be deposited in and
20 credited to the county general fund, and \$9.60 must be
21 remitted to the state to be deposited as provided in
22 19-5-404."

23 Section 3. Section 19-5-402, MCA, is amended to read:
24 "19-5-402. Member's contribution deducted from salary.
25 Every member shall be required to contribute into the fund a

1 sum equal to 6% of his monthly salary, ~~except that a member~~
 2 ~~selected or appointed to office after July 1, 1983, shall be~~
 3 ~~required to contribute into the fund a sum equal to 7% of~~
 4 ~~his monthly salary beginning on the first day of his term.~~
 5 which This sum shall be deducted from his salary and
 6 credited to his account in the fund."

7 Section 4. Section 19-5-404, MCA, is amended to read:

8 "19-5-404. Contributions by the state. The state of
 9 Montana shall contribute monthly to the fund a sum equal to
 10 6% of the salary of each member. In addition, the clerk of
 11 each district court shall transmit 60% ~~30%~~ 60% of the fees
 12 collected under 25-1-201 to the state, which shall first
 13 deposit in the fund an amount equal to 20% ~~31%~~ of the
 14 salaries paid to district judges and supreme court justices
 15 who are covered by the judges' retirement system and then
 16 deposit the balance in the state general fund. The clerk of
 17 the supreme court shall pay one-fourth of the fees collected
 18 under 3-2-403 to the public employees' retirement division
 19 of the department of administration to be credited to the
 20 fund."

21 ~~NEW SECTION.~~ Section 5. Effective date. This act is
 22 effective July 1, 1983.

-End-

HOUSE BILL NO. 705

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

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REDEFINING FINAL SALARY FOR ENTIRE MEMBERS OF THE JUDGES' RETIREMENT SYSTEM;~~
INCREASING CERTAIN DISTRICT COURT FEES; REDISTRIBUTING THE
PERCENTAGE AMOUNT OF COURT FEES DEPOSITED IN THE COUNTY AND
STATE GENERAL FUNDS; INCREASING CERTAIN MEMBERS'
CONTRIBUTIONS TO THE JUDGES' RETIREMENT SYSTEM; INCREASING
THE AMOUNT OF COURT FEES DEPOSITED IN THE RETIREMENT SYSTEM;
AMENDING SECTIONS ~~19-5-101, 19-5-402, 19-5-404, AND~~
~~25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."~~

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

~~SECTION 1. SECTION 19-5-101, MCA, IS AMENDED TO READ:~~

"19-5-101. Definitions. Unless a different meaning is
plainly implied by the context, the following definitions
apply in this chapter:

(1) "Accumulated deductions" means the total of the
amounts deducted from the salary of a contributor, paid into
the funds and standing to his credit in the funds, together
with the regular interest thereon.

(2) "Actuarial equivalent" means a benefit of equal
value when computed upon the basis of the actuarial tables

in use by the system.

(3) "Beneficiary" means the person whom the
contributor nominates by written designation, duly
acknowledged and filed with the board.

(4) "Board" means the public employees' retirement
board.

(5) "Contributor" means any person who has accumulated
deductions in the fund standing to his credit.

(6) "Final salary" means:

~~(a) for a member joining the retirement system before~~
~~July 1, 1983, the annual current salary for the office~~
~~retired from; or~~

~~(b) for a member joining the retirement system on or~~
~~after July 1, 1983, the annual salary for the office retired~~
~~from as of the date of retirement.~~

(7) "Fund" means the Montana judges' retirement system
agency account.

(8) "Involuntary retirement" means a retirement not
for cause and before retirement age.

(9) "Member's annuity" means payments for life derived
from contributions made by the contributor.

(10) "Penalty retirement age" means 70 years of age.

(11) "Retired judge" means any judge or justice in
receipt of a retirement allowance under this chapter.

(12) "Retirement allowance" means the state annuity

1 plus the member's annuity.

2 (13) "State annuity" means payments for life derived
3 from contributions made by the state of Montana."

4 Section 2. Section 25-1-201, MCA, is amended to read:
5 "25-1-201. Fees of clerk of district court. (1) The
6 clerk of the district court shall collect the following
7 fees:

8 (a) at the commencement of each action or proceeding,
9 from the plaintiff or petitioner, \$20 ~~\$25~~; and for filing a
10 complaint in intervention, from the intervenor, \$20 ~~\$25~~;

11 (b) from each defendant or respondent, on his
12 appearance, \$10 ~~\$15~~;

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

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

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

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

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

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

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

25 (k) for transmission of records or files or transfer

1 of a case to another court, \$5;

2 (1) for filing and entering papers received by
3 transfer from other courts, \$10;

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

5 (n) on the filing of an application for informal,
6 formal, or supervised probate or for the appointment of a
7 personal representative or the filing of a petition for the
8 appointment of a guardian or conservator, from the applicant
9 or petitioner, \$35, which includes the fee for filing a will
10 for probate.

11 (2) Except as provided in subsection (3), ~~40% 30% 32%~~
12 of all fees collected by the clerk of the district court
13 shall be deposited in and credited to the general fund of
14 the county. The remaining portion of the fees shall be
15 remitted to the state to be deposited as provided in
16 19-5-404.

17 (3) In the case of a fee collected for issuing a
18 marriage license, \$14 must be deposited in and credited to
19 the state general fund, \$6.40 must be deposited in and
20 credited to the county general fund, and \$9.60 must be
21 remitted to the state to be deposited as provided in
22 19-5-404."

23 Section 3. Section 19-5-402, MCA, is amended to read:
24 "19-5-402. Member's contribution deducted from salary.
25 Every member shall be required to contribute into the fund a

1 sum equal to 6% of his monthly salary, ~~except that a member~~
 2 ~~elected or appointed to office after July 1, 1983, shall be~~
 3 ~~required to contribute into the fund a sum equal to 7% of~~
 4 ~~his monthly salary beginning on the first day of his term.~~
 5 which This sum shall be deducted from his salary and
 6 credited to his account in the fund."

7 Section 4. Section 19-5-404, MCA, is amended to read:

8 "19-5-404. Contributions by the state. The state of
 9 Montana shall contribute monthly to the fund a sum equal to
 10 6% of the salary of each member. In addition, the clerk of
 11 each district court shall transmit ~~60% 70% 60%~~ of the fees
 12 collected under 25-1-201 to the state, which shall first
 13 deposit in the fund an amount equal to ~~20% 31%~~ of the
 14 salaries paid to district judges and supreme court justices
 15 who are covered by the judges' retirement system and then
 16 deposit the balance in the state general fund. The clerk of
 17 the supreme court shall pay one-fourth of the fees collected
 18 under 3-2-403 to the public employees' retirement division
 19 of the department of administration to be credited to the
 20 fund."

21 ~~NEW SECTION.~~ Section 5. Effective date. This act is
 22 effective July 1, 1983.

-End-

March 22, 1983

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 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 elected or appointed to office prior to 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: "19-5-101,"

3. Page 1, line 16

Strike: Section 1 in its entirety

Renumber: subsequent sections

HOUSE BILL NO. 705

INTRODUCED BY SPAETH, ADDY, RAMIREZ, TOWE, MCBRIDE

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT DIVISION

A BILL FOR AN ACT ENTITLED: "AN ACT ~~REDEFINING FINAL SALARY FOR FUTURE MEMBERS OF THE JUDGES' RETIREMENT SYSTEM~~ 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; INCREASING CERTAIN DISTRICT COURT FEES; REDISTRIBUTING THE PERCENTAGE AMOUNT OF COURT FEES DEPOSITED IN THE COUNTY AND STATE GENERAL FUNDS; INCREASING CERTAIN MEMBERS' CONTRIBUTIONS TO THE JUDGES' RETIREMENT SYSTEM; INCREASING THE AMOUNT OF COURT FEES DEPOSITED IN THE RETIREMENT SYSTEM; AMENDING SECTIONS ~~19-5-101~~ 19-5-402, 19-5-404, ~~19-5-503~~ AND 25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

SECTION ~~1~~ SECTION ~~19-5-101~~ MCA IS AMENDED IN READING

~~19-5-101~~ Definitions. Unless a different meaning is plainly implied by the context, the following definitions apply in this chapter:

(1) "Accumulated deductions" means the total of the amounts deducted from the salary of a contributor paid into the fund and standing to his credit in the fund together

with the regular interest thereon;

(2) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables in use by the system;

(3) "Beneficiary" means the person whom the contributor nominates by written designation duly acknowledged and filed with the board;

(4) "Board" means the public employees' retirement board;

(5) "Contributor" means any person who has accumulated deductions in the fund standing to his credit;

(6) "Final salary" means:

(a) for a member joining the retirement system before July 1, 1983, the annual current salary for the office retired from; or

(b) for a member joining the retirement system on or after July 1, 1983, the annual salary for the office retired from as of the date of retirement;

(7) "Fund" means the Montana judges' retirement system agency account;

(8) "Involuntary retirement" means a retirement not for cause and before retirement age;

(9) "Member's annuity" means payments for life derived from contributions made by the contributor;

(10) "Penalty retirement age" means 70 years of age;

~~(11) "Retired judge" means any judge or justice in receipt of a retirement allowance under this chapter.~~

~~(12) "Retirement allowance" means the state annuity plus the member's annuity.~~

~~(13) "State annuity" means payments for life derived from contributions made by 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~~ \$25; and for filing a complaint in intervention, from the intervenor, ~~\$20~~ \$25;

(b) from each defendant or respondent, on his appearance, ~~\$10~~ \$15;

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

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

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

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

(g) for administering oath, 25 cents;

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

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

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

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

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

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

(n) on the filing of an application for informal, formal, 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, which includes the fee for filing a will for probate.

(2) Except as provided in subsection (3), ~~40%~~ 32% of all fees collected by the clerk of the district court shall be deposited in and credited to the general fund of the county. The remaining portion of the fees shall be remitted to the state to be deposited as provided in 19-5-404.

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

Section 2. Section 19-5-402, MCA, is amended to read:

"19-5-402. Member's contribution deducted from salary.

Every member shall be required to contribute into the fund a sum equal to 6% of his monthly salary, ~~except that a member elected or appointed to office after July 1, 1983, shall be required to contribute into the fund a sum equal to 7% of his monthly salary beginning on the first day of his term,~~ which this sum shall be deducted from his salary and credited to his account in the fund."

Section 3. Section 19-5-404, MCA, is amended to read:

"19-5-404. Contributions by the state. The state of Montana shall contribute monthly to the fund a sum equal to 6% of the salary of each member. In addition, the clerk of each district court shall transmit ~~60% 70% 68%~~ of the fees collected under 25-1-201 to the state, which shall first deposit in the fund an amount equal to ~~20% 31%~~ of the salaries paid to district judges and supreme court justices who are covered by the judges' retirement system and then 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."

~~SECTION 4. 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 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 ~~elected or appointed to office prior to 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~~

1 ~~before reaching retirement age, he 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 effective July 1, 1983.

-End-