

HOUSE BILL NO. 256

INTRODUCED BY PISTORIA, PECK, O'CONNELL, J. BROWN,
DEVLIN, KOEHNKE, MCCORMICK, MILLER, BACHINI,
PAVLOVICH, HARP, BRANDEWIE, WINSLOW, SWIFT,
MERCER, SWITZER

IN THE HOUSE

JANUARY 17, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 14, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 16, 1987	PRINTING REPORT.
FEBRUARY 17, 1987	SECOND READING, DO PASS.
FEBRUARY 18, 1987	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 80; NOES, 8. TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
MARCH 14, 1987	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 18, 1987	SECOND READING, CONCURRED IN AS AMENDED.
MARCH 20, 1987	THIRD READING, CONCURRED IN. AYES, 47; NOES, 2. RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 25, 1987

RECEIVED FROM SENATE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

MARCH 26, 1987

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 16, 1987

CONFERENCE COMMITTEE REPORTED.

APRIL 20, 1987

SECOND READING, CONFERENCE COMMITTEE
REPORT REJECTED.

ON MOTION, CONFERENCE COMMITTEE
DISSOLVED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 21, 1987

CONFERENCE COMMITTEE
REPORT ADOPTED.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 23, 1987

FREE CONFERENCE COMMITTEE REPORTED.

IN THE SENATE

APRIL 23, 1987

FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 23, 1987

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT ADOPTED.

SENT TO ENROLLING.

1 House BILL NO. 256
 2 INTRODUCED BY Pistoria Park O'Connell
 3 Kochanek McConach Miller Barkini Lavlovich
 4 J. Brown Rubin
 5 HAPP Smolowe Winkler Shuff Mercer Switzer
 6 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING CERTAIN
 7 FILING FEES IN CIVIL CASES; CREATING NEW FILING FEES;
 8 REQUIRING THE FEE INCREASES AND NEW FEES TO BE USED TO FUND
 9 DISTRICT COURT OPERATIONS; AND AMENDING SECTIONS 19-5-404
 10 AND 25-1-201, MCA."
 11

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

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

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

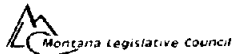
17 (a) at the commencement of each action or proceeding,
18 from the plaintiff or petitioner, \$25 \$75; for filing a
19 complaint in intervention, from the intervenor, \$25 \$75; and
20 for filing a petition for dissolution of marriage, an
21 additional fee of \$30;

22 (b) from each defendant or respondent, on his
23 appearance, \$15 \$45;

24 (c) on the entry of judgment, from the prevailing
25 party, \$10 \$30;

(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;
 (o) on the filing of the items required in 72-4-303 by
 a domiciliary foreign personal representative of the estate
 of a nonresident decedent, \$35;
 (p) for filing a declaration of marriage without
 solemnization, \$30;
 (q) for filing a motion for substitution of a judge,



1 \$100;
 2 (r) for filing one or more cross-claims or
 3 counterclaims in an action, \$75;
 4 (s) for filing a motion for change of venue, \$100.
 5 (2) Except as provided in subsections (3) and (4)
 6 through (6), 32% of all fees collected by the clerk of the
 7 district court must be deposited in and credited to the
 8 general fund of the county. The remaining portion of the
 9 fees must be remitted to the state to be deposited as
 10 provided in 19-5-404.
 11 (3) In the case of a fee collected for issuing a
 12 marriage license or filing a declaration of marriage without
 13 solemnization, \$14 must be deposited in and credited to the
 14 state general fund, \$6.40 must be deposited in and credited
 15 to the county general fund, and \$9.60 must be remitted to
 16 the state to be deposited as provided in 19-5-404.
 17 (4) Of the additional fee for filing a petition for
 18 dissolution of marriage, \$25 must be deposited in the state
 19 general fund and \$5 must be deposited in the children's
 20 trust fund account established by 41-3-702.
 21 (5) (a) Before the percentages contained in subsection
 22 (2) are applied and the fees deposited in the county general
 23 fund or remitted to the state, the clerk of the district
 24 court shall deduct from the following fees the amounts
 25 indicated:

1 (i) at the commencement of each action or proceeding
 2 and for filing a complaint in intervention as provided in
 3 subsection (1)(a), \$50;
 4 (ii) from each defendant or respondent, on his
 5 appearance, as provided in subsection (1)(b), \$30; and
 6 (iii) on the entry of judgment as provided in
 7 subsection (1)(c), \$20.
 8 (b) The clerk of the district court shall deposit the
 9 money deducted in subsection (5)(a) in the county general
 10 fund for district court operations unless the county has a
 11 district court fund. If the county has a district court
 12 fund, the money must be deposited in that fund.
 13 (6) The clerk of district court shall deposit the fees
 14 for filing a motion for substitution of a judge, a
 15 cross-claim or counterclaim, or a motion for change of venue
 16 as provided in subsections (1)(q) through (1)(s) in the
 17 county general fund for district court operations unless the
 18 county has a district court fund. If the county has a
 19 district court fund, the fees must be deposited in that
 20 fund.
 21 25-1-201. (Effective January 1, 1990) Fees of clerk of
 22 district court. (1) The clerk of the district court shall
 23 collect the following fees:
 24 (a) at the commencement of each action or proceeding,
 25 from the plaintiff or petitioner, \$25 \$75; for filing a

1 complaint in intervention, from the intervenor, ~~\$25~~ \$75; and
 2 for filing a petition for dissolution of marriage, an
 3 additional fee of \$25;

4 (b) from each defendant or respondent, on his
 5 appearance, ~~\$15~~ \$45;

6 (c) on the entry of judgment, from the prevailing
 7 party, ~~\$10~~ \$30;

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

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

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

12 (g) for administering oath, 25 cents;

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

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

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

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

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 21 transfer from other courts, \$10;

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23 (n) on the filing of an application for informal,
 24 formal, or supervised probate or for the appointment of a
 25 personal representative or the filing of a petition for the

1 appointment of a guardian or conservator, from the applicant
 2 or petitioner, \$35, which includes the fee for filing a will
 3 for probate;

4 (o) on the filing of the items required in 72-4-303 by
 5 a domiciliary foreign personal representative of the estate
 6 of a nonresident decedent, \$35;

7 (p) for filing a declaration of marriage without
 8 solemnization, ~~\$30~~;

9 (q) for filing a motion for substitution of a judge,
 10 \$100;

11 (r) for filing one or more cross-claims or
 12 counterclaims, \$75;

13 (s) for filing a motion for change of venue, \$100.

14 (2) Except as provided in ~~subsection~~ subsections (3)
 15 through (6), 32% of all fees collected by the clerk of the
 16 district court must be deposited in and credited to the
 17 general fund of the county. The remaining portion of the
 18 fees must be remitted to the state to be deposited as
 19 provided in 19-5-404.

20 (3) In the case of a fee collected for issuing a
 21 marriage license or filing a declaration of marriage without
 22 solemnization, \$14 must be deposited in and credited to the
 23 state general fund, \$6.40 must be deposited in and credited
 24 to the county general fund, and \$9.60 must be remitted to
 25 the state to be deposited as provided in 19-5-404.

1 (4) The additional fee for filing a petition for
2 dissolution of marriage must be deposited in the state
3 general fund.

4 (5) (a) Before the percentages contained in subsection
5 (2) are applied and the fees deposited in the county general
6 fund or remitted to the state, the clerk of the district
7 court shall deduct from the following fees the amounts
8 indicated:

9 (i) at the commencement of each action or proceeding
10 and for filing a complaint in intervention as provided in
11 subsection (1)(a), \$50;

12 (ii) from each defendant or respondent, on his
13 appearance, as provided in subsection (1)(b), \$30; and

14 (iii) on the entry of judgment as provided in
15 subsection (1)(c), \$20.

16 (b) The clerk of the district court shall deposit the
17 money deducted in subsection (5)(a) in the county general
18 fund for district court operations unless the county has a
19 district court fund. If the county has a district court
20 fund, the money must be deposited in that fund.

21 (6) The clerk of district court shall deposit the fees
22 for filing a motion for substitution of a judge, a
23 cross-claim or counterclaim, or a motion for change of venue
24 as provided in subsections (1)(q) through (1)(s) in the
25 county general fund for district court operations unless the

1 county has a district court fund. If the county has a
2 district court fund, the fees must be deposited in that
3 fund."

4 Section 2. Section 19-5-404, MCA, is amended to read:

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

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB256, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing certain filing fees in civil cases, creating new filing fees; requiring the fee increases and new fees to be used to fund district court operations.

ASSUMPTIONS:

1. Total District Court fees collected for FY ended 6/30/86 were \$837,648.
2. Type of fees collected will remain the same for FY88 and FY89.
3. Clerk of the district courts sample estimated that the fees to be increased represent approximately 60% of the total fees collected.
4. The fees to be increased are three times the present rate.
5. The increased fees will be deposited to county funds and will not increase the level of funds transferred to the state for retirement benefits.
6. Change of venue numbers will be the average of the past three years.
7. Substitution of judges will be 171 per year.
8. No data is available to determine how much will be generated due to counter claim filings.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Local Revenue:						
Current Fees	\$ 837,648	\$1,842,826	\$1,005,178	\$ 837,648	\$1,842,826	\$1,005,178
New Fees	0	51,600	51,600	0	51,600	51,600
TOTAL	\$ 837,648	\$1,894,426	\$1,056,778	\$ 837,648	\$1,894,426	\$1,056,778

David L. Hunter DATE 1/20/89
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Paul G. Pistoria DATE Jan. 21, 1989
 PAUL PISTORIA, PRIMARY SPONSOR

Fiscal Note for HB256, as introduced.

HB 256

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 256

INTRODUCED BY PISTORIA, PECK, O'CONNELL, J. BROWN,
DEVLIN, KOEHNKE, MCCORMICK, MILLER, BACHINI,
PAVLOVICH, HARP, BRANDEWIE, WINSLOW, SWIFT,
MERCER, SWITZER

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING CERTAIN
FILING FEES IN CIVIL CASES; CREATING NEW FILING FEES;
REQUIRING THE FEE INCREASES AND NEW FEES TO BE USED TO FUND
DISTRICT COURT OPERATIONS; AND AMENDING SECTIONS 19-5-404
AND 25-1-201, 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. (Temporary) 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, ~~\$25~~ \$75; for filing a
complaint in intervention, from the intervenor, ~~\$25~~ \$75; and
for filing a petition for dissolution of marriage, an
additional fee of \$30;

(b) from each defendant or respondent, on his
appearance, ~~\$15~~ \$45;

(c) on the entry of judgment, from the prevailing

party, ~~\$10~~ \$30;

(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;

(o) on the filing of the items required in 72-4-303 by
a domiciliary foreign personal representative of the estate
of a nonresident decedent, \$35;

(p) for filing a declaration of marriage without solemnization, \$30;

~~(q) for filing a motion for substitution of a judge, \$100;~~

~~(r) for filing one or more cross-claims or counterclaims in an action, \$75;~~

~~(s) for filing a motion for change of venue, \$100.~~

(2) Except as provided in subsections (3) and (4) through (6), 32% of all fees collected by the clerk of the district court must be deposited in and credited to the general fund of the county. The remaining portion of the fees must 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 or filing a declaration of marriage without solemnization, \$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.

(4) Of the additional fee for filing a petition for dissolution of marriage, \$25 must be deposited in the state general fund and \$5 must be deposited in the children's trust fund account established by 41-3-702.

(5) (a) Before the percentages contained in subsection (2) are applied and the fees deposited in the county general

fund or remitted to the state, the clerk of the district court shall deduct from the following fees the amounts indicated:

(i) at the commencement of each action or proceeding and for filing a complaint in intervention as provided in subsection (1)(a), \$50;

(ii) from each defendant or respondent, on his appearance, as provided in subsection (1)(b), \$30; and

(iii) on the entry of judgment as provided in subsection (1)(c), \$50.

(b) The clerk of the district court shall deposit the money deducted in subsection (5)(a) in the county general fund for district court operations unless the county has a district court fund. If the county has a district court fund, the money must be deposited in that fund.

(6) The clerk of district court shall deposit the fees for filing a motion for substitution of a judge, a cross-claim or counterclaim, or a motion for change of venue as provided in subsections SUBSECTION (1)(g) through (t) in the county general fund for district court operations unless the county has a district court fund. If the county has a district court fund, the fees must be deposited in that fund.

25-1-201. (Effective January 1, 1990) Fees of clerk of district court. (1) The clerk of the district court shall

1 collect the following fees:

- 2 (a) at the commencement of each action or proceeding,
- 3 from the plaintiff or petitioner, \$25 \$75; for filing a
- 4 complaint in intervention, from the intervenor, \$25 \$75; and
- 5 for filing a petition for dissolution of marriage, an
- 6 additional fee of \$25;
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- 12 office, 25 cents per page;
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- 18 or abstract of judgment from all other courts, \$5;
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- 24 transfer from other courts, \$10;
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- 3 personal representative or the filing of a petition for the
- 4 appointment of a guardian or conservator, from the applicant
- 5 or petitioner, \$35, which includes the fee for filing a will
- 6 for probate;
- 7 (o) on the filing of the items required in 72-4-303 by
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- 9 of a nonresident decedent, \$35;
- 10 (p) for filing a declaration of marriage without
- 11 solemnization, \$30;
- 12 ~~(q) for filing a motion for substitution of a judge,~~
- 13 ~~\$100;~~
- 14 ~~(r)(Q) for filing one or more cross-claims or~~
- 15 ~~counterclaims, \$75;~~
- 16 ~~(s) for filing a motion for change of venue, \$100.~~
- 17 (2) Except as provided in subsection subsections (3)
- 18 through (6), 32% of all fees collected by the clerk of the
- 19 district court must be deposited in and credited to the
- 20 general fund of the county. The remaining portion of the
- 21 fees must be remitted to the state to be deposited as
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 16 appearance, as provided in subsection (1)(b), \$30; and

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 20 money deducted in subsection (5)(a) in the county general
 21 fund for district court operations unless the county has a
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 6 that fund."

7 Section 2. 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 68% of the certain filing
 12 fees collected as required under 25-1-201 to the state,
 13 which shall first deposit in the fund an amount equal to 31%
 14 of the salaries paid to district judges and supreme court
 15 justices who are covered by the judges' retirement system
 16 and then deposit the balance in the state general fund. The
 17 clerk of the supreme court shall pay one-fourth of the fees
 18 collected under 3-2-403 to the public employees' retirement
 19 division of the department of administration to be credited
 20 to the fund."

-End-

1 HOUSE BILL NO. 256

2 INTRODUCED BY PISTORIA, PECK, O'CONNELL, J. BROWN,
 3 DEVLIN, KOEHNKE, MCCORMICK, MILLER, BACHINI,
 4 PAVLOVICH, HARP, BRANDEWIE, WINSLOW, SWIFT,
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7 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING CERTAIN
 8 FILING FEES IN CIVIL CASES; CREATING NEW FILING FEES;
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 20 complaint in intervention, from the intervenor, ~~\$25~~ \$75; and
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 24 appearance, ~~\$15~~ \$45;

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 15 transfer from other courts, \$10;

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 18 formal, or supervised probate or for the appointment of a
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 24 a domiciliary foreign personal representative of the estate
 25 of a nonresident decedent, \$35;

1 (p) for filing a declaration of marriage without
2 solemnization, \$30;

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4 ~~\$100;~~

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6 ~~counterclaims in an action, \$75;~~

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8 (2) Except as provided in subsections (3) and (4)
9 through (6), 32% of all fees collected by the clerk of the
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12 fees must be remitted to the state to be deposited as
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14 (3) In the case of a fee collected for issuing a
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17 state general fund, \$6.40 must be deposited in and credited
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20 (4) Of the additional fee for filing a petition for
21 dissolution of marriage, \$25 must be deposited in the state
22 general fund and \$5 must be deposited in the children's
23 trust fund account established by 41-3-702.

24 (5) (a) Before the percentages contained in subsection
25 (2) are applied and the fees deposited in the county general

1 fund or remitted to the state, the clerk of the district
2 court shall deduct from the following fees the amounts
3 indicated:

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6 subsection (1)(a), \$50;

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8 appearance, as provided in subsection (1)(b), \$30; and

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13 fund for district court operations unless the county has a
14 district court fund. If the county has a district court
15 fund, the money must be deposited in that fund.

16 (6) The clerk of district court shall deposit the fees
17 for filing a motion for substitution of a judge, a
18 cross-claim or counterclaim, or a motion for change of venue
19 as provided in subsections SUBSECTION (1)(q) through (1)(s)
20 in the county general fund for district court operations
21 unless the county has a district court fund. If the county
22 has a district court fund, the fees must be deposited in
23 that fund.

24 25-1-201. (Effective January 1, 1990) Fees of clerk of
25 district court. (1) The clerk of the district court shall

1 collect the following fees:

2 (a) at the commencement of each action or proceeding,
 3 from the plaintiff or petitioner, ~~\$25~~ \$75; for filing a
 4 complaint in intervention, from the intervenor, ~~\$25~~ \$75; and
 5 for filing a petition for dissolution of marriage, an
 6 additional fee of \$25;

7 (b) from each defendant or respondent, on his
 8 appearance, ~~\$15~~ \$45;

9 (c) on the entry of judgment, from the prevailing
 10 party, ~~\$10~~ \$30;

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

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

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

15 (g) for administering oath, 25 cents;

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

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

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

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

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

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

1 (n) on the filing of an application for informal,
 2 formal, or supervised probate or for the appointment of a
 3 personal representative or the filing of a petition for the
 4 appointment of a guardian or conservator, from the applicant
 5 or petitioner, \$35, which includes the fee for filing a will
 6 for probate;

7 (o) on the filing of the items required in 72-4-303 by
 8 a domiciliary foreign personal representative of the estate
 9 of a nonresident decedent, \$35;

10 (p) for filing a declaration of marriage without
 11 solemnization, ~~\$30~~;

12 ~~(q) for filing a motion for substitution of a judge,~~
 13 ~~\$100;~~

14 ~~(r)(Q) for filing one or more cross-claims or~~
 15 ~~counterclaims, \$75;~~

16 ~~(s) for filing a motion for change of venue, \$100.~~

17 (2) Except as provided in subsection subsections (3)
 18 through (6), 32% of all fees collected by the clerk of the
 19 district court must be deposited in and credited to the
 20 general fund of the county. The remaining portion of the
 21 fees must be remitted to the state to be deposited as
 22 provided in 19-5-404.

23 (3) In the case of a fee collected for issuing a
 24 marriage license or filing a declaration of marriage without
 25 solemnization, \$14 must be deposited in and credited to the

1 state general fund, \$6.40 must be deposited in and credited
 2 to the county general fund, and \$9.60 must be remitted to
 3 the state to be deposited as provided in 19-5-404.

4 (4) The additional fee for filing a petition for
 5 dissolution of marriage must be deposited in the state
 6 general fund.

7 (5) (a) Before the percentages contained in subsection
 8 (2) are applied and the fees deposited in the county general
 9 fund or remitted to the state, the clerk of the district
 10 court shall deduct from the following fees the amounts
 11 indicated:

12 (i) at the commencement of each action or proceeding
 13 and for filing a complaint in intervention as provided in
 14 subsection (1)(a), \$50;

15 (ii) from each defendant or respondent, on his
 16 appearance, as provided in subsection (1)(b), \$30; and

17 (iii) on the entry of judgment as provided in
 18 subsection (1)(c), \$20.

19 (b) The clerk of the district court shall deposit the
 20 money deducted in subsection (5)(a) in the county general
 21 fund for district court operations unless the county has a
 22 district court fund. If the county has a district court
 23 fund, the money must be deposited in that fund.

24 (6) The clerk of district court shall deposit the fees
 25 for filing ~~a motion for substitution of a judge, a~~

1 ~~cross-claim or counterclaim, or a motion for change of venue~~
 2 ~~as provided in subsections SUBSECTION (1)(q) through--(1)(s)~~
 3 ~~in the county general fund for district court operations~~
 4 ~~unless the county has a district court fund. If the county~~
 5 ~~has a district court fund, the fees must be deposited in~~
 6 ~~that fund."~~

7 Section 2. 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 68% of the certain filing
 12 fees collected as required under 25-1-201 to the state,
 13 which shall first deposit in the fund an amount equal to 31%
 14 of the salaries paid to district judges and supreme court
 15 justices who are covered by the judges' retirement system
 16 and then deposit the balance in the state general fund. The
 17 clerk of the supreme court shall pay one-fourth of the fees
 18 collected under 3-2-403 to the public employees' retirement
 19 division of the department of administration to be credited
 20 to the fund."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB256, third reading copy, with Senate amendments.

DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing certain filing fees in civil cases, creating new filing fees; requiring the fee increases and new fees to be used to fund district court operations.

ASSUMPTIONS:

1. Total District Court fees collected for FY ended 6/30/86 were \$837,648.
2. Type of fees collected will remain the same for FY88 and FY89.
3. Clerk of the district courts sample estimated that the fees to be increased represent approximately 60% of the total fees collected.
4. Fees other than probate fees are increased two times the present rate.
5. Probate filings will remain at the FY86 Level of 2740 filings.
6. The increased fees will be deposited to county funds and will not increase the level of funds transferred to the state for retirement benefits.
7. No data is available to determine how much will be generated due to counter claim filings.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
Local Revenue:						
Current Fees	\$ 837,648	\$1,381,336	\$ 543,688	\$ 837,648	\$1,381,336	\$ 543,688

David L. Hunter

DATE 3/24/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Paul Pistoria

DATE Mar. 24, 1987

PAUL PISTORIA, PRIMARY SPONSOR

Fiscal Note for HB256, third reading copy,
with Senate amendments.

*HB 256
#2*

1 HOUSE BILL NO. 256

2 INTRODUCED BY PISTORIA, PECK, O'CONNELL, J. BROWN,
 3 DEVLIN, KOEHNKE, MCCORMICK, MILLER, BACHINI,
 4 PAVLOVICH, HARP, BRANDEWIE, WINSLOW, SWIFT,
 5 MERCER, SWITZER
 6

7 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING CERTAIN
 8 FILING FEES IN CIVIL CASES; CREATING NEW FILING FEES;
 9 REQUIRING THE FEE INCREASES AND NEW FEES TO BE USED TO FUND
 10 DISTRICT COURT OPERATIONS; ~~AND~~ AMENDING SECTIONS 19-5-404
 11 AND 25-1-201, MCA; AND PROVIDING AN 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. (Temporary) Fees of clerk of district
 16 court. (1) The clerk of the district court shall collect the
 17 following fees:

18 (a) at the commencement of each action or proceeding,
 19 from the plaintiff or petitioner, ~~\$25~~ ~~\$75~~ \$50; for filing a
 20 complaint in intervention, from the intervenor, ~~\$25~~ ~~\$75~~ \$50;
 21 and for filing a petition for dissolution of marriage, an
 22 additional fee of \$30;

23 (b) from each defendant or respondent, on his
 24 appearance, ~~\$15~~ ~~\$45~~ \$30;

25 (c) on the entry of judgment, from the prevailing

1 party, ~~\$10~~ ~~\$30~~ \$20;

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

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

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

6 (g) for administering oath, 25 cents;

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

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

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

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

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

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

17 (n) on the filing of an application for informal,
 18 formal, or supervised probate or for the appointment of a
 19 personal representative or the filing of a petition for the
 20 appointment of a guardian or conservator, from the applicant
 21 or petitioner, ~~\$35~~ \$50, which includes the fee for filing a
 22 will for probate;

23 (o) on the filing of the items required in 72-4-303 by
 24 a domiciliary foreign personal representative of the estate
 25 of a nonresident decedent, \$35;

1 (p) for filing a declaration of marriage without
2 solemnization, \$30~~;~~

3 ~~(q) for filing a motion for substitution of a judge,~~
4 ~~\$100;~~

5 ~~(r)(Q) for filing one or more cross-claims or~~
6 ~~counterclaims in an action, \$75 \$20;~~

7 ~~(s) for filing a motion for change of venue, \$100.~~

8 (2) Except as provided in subsections (3) and ~~(4)~~
9 through (6), 32% of all fees collected by the clerk of the
10 district court must be deposited in and credited to the
11 general fund of the county. The remaining portion of the
12 fees must be remitted to the state to be deposited as
13 provided in 19-5-404.

14 (3) In the case of a fee collected for issuing a
15 marriage license or filing a declaration of marriage without
16 solemnization, \$14 must be deposited in and credited to the
17 state general fund, \$6.40 must be deposited in and credited
18 to the county general fund, and \$9.60 must be remitted to
19 the state to be deposited as provided in 19-5-404.

20 (4) Of the additional fee for filing a petition for
21 dissolution of marriage, \$25 must be deposited in the state
22 general fund and \$5 must be deposited in the children's
23 trust fund account established by 41-3-702.

24 (5) (a) Before the percentages contained in subsection
25 (2) are applied and the fees deposited in the county general

1 fund or remitted to the state, the clerk of the district
2 court shall deduct from the following fees the amounts
3 indicated:

4 (i) at the commencement of each action or proceeding
5 and for filing a complaint in intervention as provided in
6 subsection (1)(a), \$50 \$25;

7 (ii) from each defendant or respondent, on his
8 appearance, as provided in subsection (1)(b), \$30 \$15; and

9 (iii) on the entry of judgment as provided in
10 subsection (1)(c), \$20; \$10; AND

11 (IV) FROM THE APPLICANT OR PETITIONER, ON THE FILING OF
12 AN APPLICATION FOR PROBATE OR FOR THE APPOINTMENT OF A
13 PERSONAL REPRESENTATIVE OR ON THE FILING OF A PETITION FOR
14 APPOINTMENT OF A GUARDIAN OR CONSERVATOR, AS PROVIDED IN
15 SUBSECTION (1)(N), \$15.

16 (b) The clerk of the district court shall deposit the
17 money deducted in subsection (5)(a) in the county general
18 fund for district court operations unless the county has a
19 district court fund. If the county has a district court
20 fund, the money must be deposited in that fund.

21 (6) The clerk of district court shall deposit the fees
22 for filing a motion for substitution of a judge, a
23 cross-claim or counterclaim, or a motion for change of venue
24 as provided in subsections SUBSECTION (1)(q) through (t)
25 in the county general fund for district court operations

1 unless the county has a district court fund. If the county
 2 has a district court fund, the fees must be deposited in
 3 that fund.

4 25-1-201. (Effective January 1, 1990) Fees of clerk of
 5 district court. (1) The clerk of the district court shall
 6 collect the following fees:

7 (a) at the commencement of each action or proceeding,
 8 from the plaintiff or petitioner, ~~\$25~~ ~~\$75~~ \$50; for filing a
 9 complaint in intervention, from the intervenor, ~~\$25~~ ~~\$75~~ \$50;
 10 and for filing a petition for dissolution of marriage, an
 11 additional fee of \$25;

12 (b) from each defendant or respondent, on his
 13 appearance, ~~\$15~~ ~~\$45~~ \$30;

14 (c) on the entry of judgment, from the prevailing
 15 party, ~~\$10~~ ~~\$30~~ \$20;

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

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

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

20 (g) for administering oath, 25 cents;

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

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

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

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

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

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

6 (n) on the filing of an application for informal,
 7 formal, or supervised probate or for the appointment of a
 8 personal representative or the filing of a petition for the
 9 appointment of a guardian or conservator, from the applicant
 10 or petitioner, ~~\$35~~ \$50, which includes the fee for filing a
 11 will for probate;

12 (o) on the filing of the items required in 72-4-303 by
 13 a domiciliary foreign personal representative of the estate
 14 of a nonresident decedent, \$35;

15 (p) for filing a declaration of marriage without
 16 solemnization, ~~\$30~~;

17 ~~(q) for filing a motion for substitution of a judge,~~
 18 ~~\$100;~~

19 ~~(r)(Q) for filing one or more cross-claims or~~
 20 ~~counterclaims, \$75~~ \$20;

21 ~~(s) for filing a motion for change of venue, \$100.~~

22 (2) Except as provided in subsection subsections (3)
 23 through (6), 32% of all fees collected by the clerk of the
 24 district court must be deposited in and credited to the
 25 general fund of the county. The remaining portion of the

1 fees must be remitted to the state to be deposited as
2 provided in 19-5-404.

3 (3) In the case of a fee collected for issuing a
4 marriage license or filing a declaration of marriage without
5 solemnization, \$14 must be deposited in and credited to the
6 state general fund, \$6.40 must be deposited in and credited
7 to the county general fund, and \$9.60 must be remitted to
8 the state to be deposited as provided in 19-5-404.

9 (4) The additional fee for filing a petition for
10 dissolution of marriage must be deposited in the state
11 general fund.

12 (5) (a) Before the percentages contained in subsection
13 (2) are applied and the fees deposited in the county general
14 fund or remitted to the state, the clerk of the district
15 court shall deduct from the following fees the amounts
16 indicated:

17 (i) at the commencement of each action or proceeding
18 and for filing a complaint in intervention as provided in
19 subsection (1)(a), ~~\$50~~ \$25;

20 (ii) from each defendant or respondent, on his
21 appearance, as provided in subsection (1)(b), ~~\$30~~ \$15; and

22 (iii) on the entry of judgment as provided in
23 subsection (1)(c), ~~\$20~~ \$10; AND

24 (IV) FROM THE APPLICANT OR PETITIONER, ON THE FILING OF
25 AN APPLICATION FOR PROBATE OR FOR THE APPOINTMENT OF A

1 PERSONAL REPRESENTATIVE OR ON THE FILING OF A PETITION FOR
2 APPOINTMENT OF A GUARDIAN OR CONSERVATOR, AS PROVIDED IN
3 SUBSECTION (1)(N), \$15.

4 (b) The clerk of the district court shall deposit the
5 money deducted in subsection (5)(a) in the county general
6 fund for district court operations unless the county has a
7 district court fund. If the county has a district court
8 fund, the money must be deposited in that fund.

9 (6) The clerk of district court shall deposit the fees
10 for filing a motion for substitution of a judge, a
11 cross-claim or counterclaim, or a motion for change of venue
12 as provided in subsections SUBSECTION (1)(g) through (1)(s)
13 in the county general fund for district court operations
14 unless the county has a district court fund. If the county
15 has a district court fund, the fees must be deposited in
16 that fund."

17 Section 2. 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 68% of the certain filing
22 fees collected as required under 25-1-201 to the state,
23 which shall first deposit in the fund an amount equal to 31%
24 of the salaries paid to district judges and supreme court
25 justices who are covered by the judges' retirement system

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

6 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS
7 EFFECTIVE JULY 1, 1987.

-End-

COMMITTEE OF THE WHOLE AMENDMENT

3-17-87

DATE

8:00

TIME

No. 256

MR. CHAIRMAN: I MOVE TO AMEND House Bill
third reading copy (blue) as follows:

Color

1. Title, line 10.
Following: "OPERATIONS;"
Strike: "AND"
2. Title, line 11.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"
3. Page 1, line 19.
Strike: "\$75"
Insert: "\$50"
4. Page 1, line 20.
Strike: "\$75"
Insert: "\$50"
5. Page 1, line 24.
Strike: "\$45"
Insert: "\$30"
6. Page 2, line 1.
Strike: "\$30"
Insert: "\$20"
7. Page 2, line 21.
Strike: "\$35"
Insert: "\$50"
8. Page 3, line 6.
Strike: "\$75"
Insert: "\$20"
9. Page 4, line 6.
Strike: "\$50"
Insert: "\$25"
10. Page 4, line 8.
Strike: "\$30"
Insert: "\$15"
Following: ";"
Strike: "and"

ADOPT

REJECT

CONTINUED

March 17, 1987

11. Page 4, line 10.
Strike: "\$20."
Insert: "\$10; and
(iv) from the applicant or petitioner, on the filing of an application for probate or for the appointment of a personal representative or on the filing of a petition for appointment of a guardian or conservator, as provided in subsection (1)(n), \$15."
12. Page 5, line 3.
Strike: "\$75"
Insert: "\$50"
13. Page 5, line 4.
Strike: "\$75"
Insert: "\$50"
14. Page 5, line 8.
Strike: "\$45"
Insert: "\$30"
15. Page 5, line 10.
Strike: "\$30"
Insert: "\$20"
16. Page 6, line 5.
Strike: "\$35"
Insert: "\$50"
17. Page 6, line 15.
Strike: "\$75"
Insert: "\$20"
18. Page 7, line 14.
Strike: "\$50"
Insert: "\$25"
19. Page 7, line 16.
Strike: "\$30"
Insert: "\$15"
Following: ";"
Strike: "and"
20. Page 7, line 18.
Strike: "\$20."
Insert: "\$10; and
(iv) from the applicant or petitioner, on the filing of an application for probate or for the appointment of a personal representative or on the filing of a petition for appointment of a guardian or conservator, as provided in subsection (1)(n), \$15."
21. Page 8, line 21.
Following: line 20
Insert: "NEW SECTION. Section 3. Effective date. This act is effective July 1, 1987."

ADOPT

REJECT

[Signature]
 Senator Pinsoneault

CONFERENCE COMMITTEE REPORT

Report No.One.....

April 15 19 87

MR. SPEAKER

We, your Joint Conference Committee on

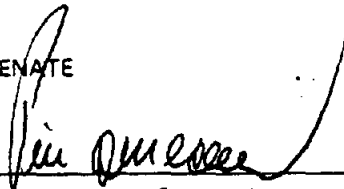
House Bill No. 256

met and considered ~~Senate amendments to House Bill No. 256, third copy~~
(blue) dated 3-17-87 (8:00).

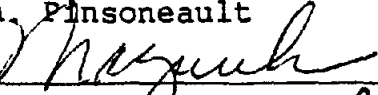
We recommend as follows: That the Senate amendments to House Bill No. 256
be concurred in.

And that this Conference Committee report be adopted.

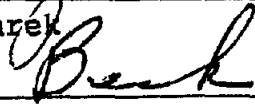
FOR THE SENATE



Sen. Pinsoneault

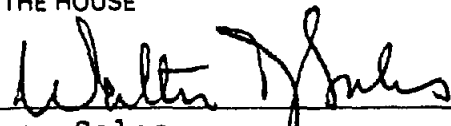


Sen. Mazurek

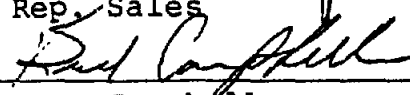


Sen. Beck

FOR THE HOUSE



Rep. Sales



Rep. Campbell

Rep. Pistoria

MR. PRESIDENT

We, your _____ Free _____ Conference Committee on
House Bill 256

met and considered _____ House Bill 256 in its entirety.

We recommend as follows: That HB 256, reference copy (salmon), be amended as follows:

1. Page 1, line 19.
Strike: "\$50"
Insert: "\$60"

2. Page 1, line 20.
Strike: "\$50"
Insert: "\$60"

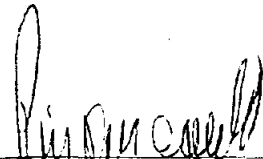
3. Page 1, line 24.
Strike: "\$30"
Insert: "\$40"

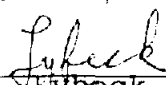
4. Page 2, line 1.
Strike: "\$20"
Insert: "\$25"

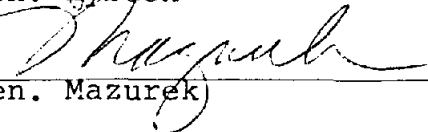
5. Page 3, lines 5 and 6.
Strike: subsection (Q) in its entirety

CONTINUED

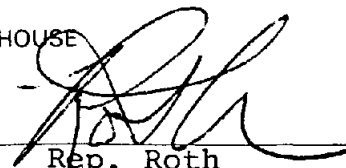
And that this Conference Committee report be adopted.

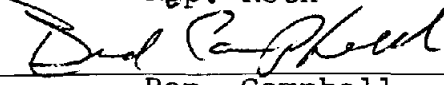
FOR THE SENATE


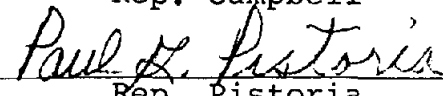
Sen. Poinseault, Chairman


Sen. Lybeck


Sen. Mazurek

FOR THE HOUSE


Rep. Roth


Rep. Campbell


Rep. Pistoria

VB

6. Page 3, line 9.
Strike: "(6)"
Insert: "(5)"
7. Page 4, line 6.
Strike: "\$25"
Insert: "\$35"
8. Page 4, line 8.
Strike: "\$15"
Insert: "\$25"
9. Page 4, line 10.
Strike: "\$10"
Insert: "\$15"
10. Page 4, line 21 through page 5, line 3.
Strike: subsection (6) in its entirety
11. Page 5, line 8.
Strike: "\$50"
Insert: "\$60"
12. Page 5, line 9.
Strike: "\$50"
Insert: "\$60"
13. Page 5, line 13.
Strike: "\$30"
Insert: "\$40"
14. Page 5, line 15.
Strike: "\$20"
Insert: "\$25"
15. Page 6, lines 19 and 20.
Strike: subsection (Q) in its entirety
16. Page 6, line 23.
Strike: "(6)"
Insert: "(5)"
17. Page 7, line 19.
Strike: "\$25"
Insert: "\$35"
18. Page 7, line 21.
Strike: "\$15"
Insert: "\$25"
19. Page 7, line 23.
Strike: "\$10"
Insert: "\$15"
20. Page 8, lines 9 through 16.
Strike: subsection (6) in its entirety

1 HOUSE BILL NO. 256

2 INTRODUCED BY PISTORIA, PECK, O'CONNELL, J. BROWN,
 3 DEVLIN, KOEHNKE, MCCORMICK, MILLER, BACHINI,
 4 PAVLOVICH, HARP, BRANDEWIE, WINSLOW, SWIFT,
 5 MERCER, SWITZER
 6

7 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING CERTAIN
 8 FILING FEES IN CIVIL CASES; CREATING NEW FILING FEES;
 9 REQUIRING THE FEE INCREASES AND NEW FEES TO BE USED TO FUND
 10 DISTRICT COURT OPERATIONS; AND AMENDING SECTIONS 19-5-404
 11 AND 25-1-201, MCA; AND PROVIDING AN 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. (Temporary) Fees of clerk of district
 16 court. (1) The clerk of the district court shall collect the
 17 following fees:

18 (a) at the commencement of each action or proceeding,
 19 from the plaintiff or petitioner, ~~\$25~~ \$75 ~~\$50~~ \$60; for
 20 filing a complaint in intervention, from the intervenor, ~~\$25~~
 21 \$75 ~~\$50~~ \$60; and for filing a petition for dissolution of
 22 marriage, an additional fee of \$30;

23 (b) from each defendant or respondent, on his
 24 appearance, ~~\$15~~ \$45 ~~\$30~~ \$40;

25 (c) on the entry of judgment, from the prevailing

1 party, ~~\$10~~ \$30 ~~\$20~~ \$25;

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

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

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

6 (g) for administering oath, 25 cents;

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

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

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

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

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

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

17 (n) on the filing of an application for informal,
 18 formal, or supervised probate or for the appointment of a
 19 personal representative or the filing of a petition for the
 20 appointment of a guardian or conservator, from the applicant
 21 or petitioner, ~~\$35~~ \$50, which includes the fee for filing a
 22 will for probate;

23 (o) on the filing of the items required in 72-4-303 by
 24 a domiciliary foreign personal representative of the estate
 25 of a nonresident decedent, \$35;

1 (p) for filing a declaration of marriage without
2 solemnization, \$30~~7~~

3 ~~(q) for filing a motion for substitution of a judge,~~
4 ~~\$100;~~

5 ~~(r)(s) for filing one or more cross-claims or~~
6 ~~counterclaims in an action, \$75 \$20;~~

7 ~~(s) for filing a motion for change of venue, \$100.~~

8 (2) Except as provided in subsections (3) and ~~(4)~~
9 through ~~(6)~~ (5), 32% of all fees collected by the clerk of
10 the district court must be deposited in and credited to the
11 general fund of the county. The remaining portion of the
12 fees must be remitted to the state to be deposited as
13 provided in 19-5-404.

14 (3) In the case of a fee collected for issuing a
15 marriage license or filing a declaration of marriage without
16 solemnization, \$14 must be deposited in and credited to the
17 state general fund, \$6.40 must be deposited in and credited
18 to the county general fund, and \$9.60 must be remitted to
19 the state to be deposited as provided in 19-5-404.

20 (4) Of the additional fee for filing a petition for
21 dissolution of marriage, \$25 must be deposited in the state
22 general fund and \$5 must be deposited in the children's
23 trust fund account established by 41-3-702.

24 (5) (a) Before the percentages contained in subsection
25 (2) are applied and the fees deposited in the county general

1 fund or remitted to the state, the clerk of the district
2 court shall deduct from the following fees the amounts
3 indicated:

4 (i) at the commencement of each action or proceeding
5 and for filing a complaint in intervention as provided in
6 subsection (1)(a), \$50 \$25 \$35;

7 (ii) from each defendant or respondent, on his
8 appearance, as provided in subsection (1)(b), \$30 \$15 \$25;
9 and

10 (iii) on the entry of judgment as provided in
11 subsection (1)(c), \$20 \$10 \$15; AND

12 (IV) FROM THE APPLICANT OR PETITIONER, ON THE FILING OF
13 AN APPLICATION FOR PROBATE OR FOR THE APPOINTMENT OF A
14 PERSONAL REPRESENTATIVE OR ON THE FILING OF A PETITION FOR
15 APPOINTMENT OF A GUARDIAN OR CONSERVATOR, AS PROVIDED IN
16 SUBSECTION (1)(N), \$15.

17 (b) The clerk of the district court shall deposit the
18 money deducted in subsection (5)(a) in the county general
19 fund for district court operations unless the county has a
20 district court fund. If the county has a district court
21 fund, the money must be deposited in that fund.

22 ~~(6) The clerk of district court shall deposit the fees~~
23 ~~for filing a motion for substitution of a judge, a~~
24 ~~cross-claim or counterclaim, or a motion for change of venue~~
25 ~~as provided in subsections SUBSECTION (1)(q) through (1)(s)~~

1 ~~in the county general fund for district court operations~~
 2 ~~unless the county has a district court fund, if the county~~
 3 ~~has a district court fund, the fees must be deposited in~~
 4 ~~that fund.~~

5 25-1-201. (Effective January 1, 1990) Fees of clerk of
 6 district court. (1) The clerk of the district court shall
 7 collect the following fees:

8 (a) at the commencement of each action or proceeding,
 9 from the plaintiff or petitioner, \$25 ~~\$75 \$50 \$60~~; for
 10 filing a complaint in intervention, from the intervenor, \$25
 11 ~~\$75 \$50 \$60~~; and for filing a petition for dissolution of
 12 marriage, an additional fee of \$25;

13 (b) from each defendant or respondent, on his
 14 appearance, ~~\$15 \$45 \$30 \$40~~;

15 (c) on the entry of judgment, from the prevailing
 16 party, ~~\$10 \$30 \$20 \$25~~;

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

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

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

21 (g) for administering oath, 25 cents;

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

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

25 (j) for issuing an execution or order of sale on a

1 foreclosure of a lien, \$2;

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

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

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

7 (n) on the filing of an application for informal,
 8 formal, or supervised probate or for the appointment of a
 9 personal representative or the filing of a petition for the
 10 appointment of a guardian or conservator, from the applicant
 11 or petitioner, ~~\$35 \$50~~, which includes the fee for filing a
 12 will for probate;

13 (o) on the filing of the items required in 72-4-303 by
 14 a domiciliary foreign personal representative of the estate
 15 of a nonresident decedent, \$35;

16 (p) for filing a declaration of marriage without
 17 solemnization, ~~\$30~~;

18 ~~(q) for filing a motion for substitution of a judge,~~
 19 ~~\$100~~;

20 ~~(r)(9) for filing one or more cross-claims or~~
 21 ~~counterclaims, \$75 \$20~~;

22 ~~(s) for filing a motion for change of venue, \$100.~~

23 (2) Except as provided in subsection subsections (3)
 24 through ~~(6)~~ (5), 32% of all fees collected by the clerk of
 25 the district court must be deposited in and credited to the

1 general fund of the county. The remaining portion of the
 2 fees must be remitted to the state to be deposited as
 3 provided in 19-5-404.

4 (3) In the case of a fee collected for issuing a
 5 marriage license or filing a declaration of marriage without
 6 solemnization, \$14 must be deposited in and credited to the
 7 state general fund, \$6.40 must be deposited in and credited
 8 to the county general fund, and \$9.60 must be remitted to
 9 the state to be deposited as provided in 19-5-404.

10 (4) The additional fee for filing a petition for
 11 dissolution of marriage must be deposited in the state
 12 general fund.

13 (5) (a) Before the percentages contained in subsection
 14 (2) are applied and the fees deposited in the county general
 15 fund or remitted to the state, the clerk of the district
 16 court shall deduct from the following fees the amounts
 17 indicated:

18 (i) at the commencement of each action or proceeding
 19 and for filing a complaint in intervention as provided in
 20 subsection (1)(a), \$50 \$25 \$35;

21 (ii) from each defendant or respondent, on his
 22 appearance, as provided in subsection (1)(b), \$30 \$15 \$25;
 23 and

24 (iii) on the entry of judgment as provided in
 25 subsection (1)(c), \$20- \$10 \$15; AND

1 (IV) FROM THE APPLICANT OR PETITIONER, ON THE FILING OF
 2 AN APPLICATION FOR PROBATE OR FOR THE APPOINTMENT OF A
 3 PERSONAL REPRESENTATIVE OR ON THE FILING OF A PETITION FOR
 4 APPOINTMENT OF A GUARDIAN OR CONSERVATOR, AS PROVIDED IN
 5 SUBSECTION (1)(N), \$15.

6 (b) The clerk of the district court shall deposit the
 7 money deducted in subsection (5)(a) in the county general
 8 fund for district court operations unless the county has a
 9 district court fund. If the county has a district court
 10 fund, the money must be deposited in that fund.

11 ~~(6) The clerk of district court shall deposit the fees~~
 12 ~~for filing a motion for substitution of a judge, a~~
 13 ~~cross-claim or counterclaim, or a motion for change of venue~~
 14 ~~as provided in subsections SUBSECTION (i)(q) through (i)(s)~~
 15 ~~in the county general fund for district court operations~~
 16 ~~unless the county has a district court fund; if the county~~
 17 ~~has a district court fund, the fees must be deposited in~~
 18 ~~that fund."~~

19 Section 2. Section 19-5-404, MCA, is amended to read:
 20 "19-5-404. Contributions by the state. The state of
 21 Montana shall contribute monthly to the fund a sum equal to
 22 6% of the salary of each member. In addition, the clerk of
 23 each district court shall transmit 68% of the certain filing
 24 fees collected as required under 25-1-201 to the state,
 25 which shall first deposit in the fund an amount equal to 31%

1 of the salaries paid to district judges and supreme court
2 justices who are covered by the judges' retirement system
3 and then deposit the balance in the state general fund. The
4 clerk of the supreme court shall pay one-fourth of the fees
5 collected under 3-2-403 to the public employees' retirement
6 division of the department of administration to be credited
7 to the fund."

8 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS
9 EFFECTIVE JULY 1, 1987.

-End-