

HB 448 INTRODUCED BY WINSLOW, ET AL.  
INCREASE FEE FOR DISSOLUTION OF MARRIAGE TO \$38;  
DISPOSITION TO GENERAL FUND

1/26 INTRODUCED  
1/26 REFERRED TO JUDICIARY  
1/27 FISCAL NOTE REQUESTED  
1/29 FISCAL NOTE RECEIVED  
2/13 HEARING  
2/18 TABLED IN COMMITTEE

1 House BILL NO. 448  
 2 INTRODUCED BY Wanda Colby Keenan Sunde

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FILING  
 5 FEE FOR A PETITION FOR DISSOLUTION OF MARRIAGE TO \$38; TO  
 6 PROVIDE FOR DISPOSITION TO THE STATE GENERAL FUND; AND  
 7 AMENDING SECTION 25-1-201, MCA."

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

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

11 "25-1-201. (Temporary) Fees of clerk of district  
 12 court. (1) The clerk of the district court shall collect the  
 13 following fees:

14 (a) at the commencement of each action or proceeding,  
 15 from the plaintiff or petitioner, \$25; for filing a  
 16 complaint in intervention, from the intervenor, \$25; and for  
 17 filing a petition for dissolution of marriage, an additional  
 18 fee of \$30 \$38;

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

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

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

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

1 (f) for oath and jurat, with seal, 50 cents;  
 2 (g) for administering oath, 25 cents;  
 3 (h) for taking depositions, per folio, 20 cents;  
 4 (i) for filing and docketing a transcript of judgment  
 5 or abstract of judgment from all other courts, \$5;  
 6 (j) for issuing an execution or order of sale on a  
 7 foreclosure of a lien, \$2;  
 8 (k) for transmission of records or files or transfer  
 9 of a case to another court, \$5;  
 10 (l) for filing and entering papers received by  
 11 transfer from other courts, \$10;  
 12 (m) for issuing a marriage license, \$30;  
 13 (n) on the filing of an application for informal,  
 14 formal, or supervised probate or for the appointment of a  
 15 personal representative or the filing of a petition for the  
 16 appointment of a guardian or conservator, from the applicant  
 17 or petitioner, \$35, which includes the fee for filing a will  
 18 for probate;  
 19 (o) on the filing of the items required in 72-4-303 by  
 20 a domiciliary foreign personal representative of the estate  
 21 of a nonresident decedent, \$35;  
 22 (p) for filing a declaration of marriage without  
 23 solemnization, \$30.  
 24 (2) Except as provided in subsections (3) and (4), 32%  
 25 of all fees collected by the clerk of the district court



1 must be deposited in and credited to the general fund of the  
2 county. The remaining portion of the fees must be remitted  
3 to the state to be deposited as 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) Of the additional fee for filing a petition for  
11 dissolution of marriage, \$25 \$33 must be deposited in the  
12 state general fund and \$5 must be deposited in the  
13 children's trust fund account established by 41-3-702.

14 25-1-201. (Effective January 1, 1990) Fees of clerk of  
15 district court. (1) The clerk of the district court shall  
16 collect the following fees:

17 (a) at the commencement of each action or proceeding,  
18 from the plaintiff or petitioner, \$25; for filing a  
19 complaint in intervention, from the intervenor, \$25; and for  
20 filing a petition for dissolution of marriage, an additional  
21 fee of \$25 \$38;

22 (b) from each defendant or respondent, on his  
23 appearance, \$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 (o) on the filing of the items required in 72-4-303 by  
23 a domiciliary foreign personal representative of the estate  
24 of a nonresident decedent, \$35;

25 (p) for filing a declaration of marriage without

1 solemnization, \$30.

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

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

13 (4) The additional fee for filing a petition for  
14 dissolution of marriage must be deposited in the state  
15 general fund."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB448, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to increase the filing fee for a petition for dissolution of marriage to \$38; to provide for disposition to the state general fund; and amending Section 25-1-201, MCA.

ASSUMPTIONS:

1. Using a four year average, there will be 5419 dissolutions of marriage in each year of the biennium.
2. Effective date will be October 1, 1987.

FISCAL IMPACT:

<u>Revenues:</u>	<u>FY88</u>			<u>FY89</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Fund	\$ 121,920	\$ 154,432	\$ 32,512	\$ 162,570	\$ 205,922	\$ 43,352

*David L. Hunter* DATE 1/29/87  
 DAVID L. HUNTER, BUDGET DIRECTOR  
 Office of Budget and Program Planning

*Cal Winslow* DATE 1/31/87  
 CAL WINSLOW, PRIMARY SPONSOR

Fiscal Note for HB448, as introduced.

**HB 448**