

HOUSE BILL NO. 460

INTRODUCED BY KEENAN, WALLIN, ECK, LYNCH, STANG,  
REGAN, CONNELLY, VAUGHN, STRATFORD, HAFPEY, HARDING,  
BOYLAN, BRADLEY, LORY, DARKO, HAYNE, PETERSON, DONALDSON,  
MILES, DRISCOLL, NISBET, DAILY, WINSLOW, THOFT, HANSON,  
COHEN, HOLLIDAY, JACOBSON

IN THE HOUSE

JANUARY 26, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 23, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 24, 1987	PRINTING REPORT.  SECOND READING, DO PASS.  ON MOTION, RULES SUSPENDED AND BILL PLACED ON THIRD READING THIS DAY.  THIRD READING, PASSED. AYES, 96; NOES, 4.
FEBRUARY 25, 1987	ON MOTION, TAKEN FROM THIRD READING AND REREFERRED TO COMMITTEE ON APPROPRIATIONS.
MARCH 23, 1987	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 24, 1987	PRINTING REPORT.
MARCH 26, 1987	SECOND READING, DO PASS.
MARCH 27, 1987	ENGROSSING REPORT.  THIRD READING, PASSED. AYES, 81; NOES, 10.  TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 31, 1987                   INTRODUCED AND REFERRED TO COMMITTEE  
ON FINANCE & CLAIMS.

APRIL 6, 1987                    COMMITTEE RECOMMEND BILL BE  
CONCURRED IN.   REPORT ADOPTED.

APRIL 7, 1987                    SECOND READING, CONCURRED IN AS  
AMENDED.

APRIL 8, 1987                    THIRD READING, CONCURRED IN.  
AYES, 38; NOES, 12.

                                  RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 13, 1987                   RECEIVED FROM SENATE.

                                  SECOND READING, AMENDMENTS NOT  
CONCURRED IN.

APRIL 15, 1987                   ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 20, 1987                   ON MOTION, CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 21, 1987                   CONFERENCE COMMITTEE REPORTED.

                                  ON MOTION, CONFERENCE COMMITTEE  
DISSOLVED.

                                  ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 21, 1987                   ON MOTION, FREE CONFERENCE COMMITTEE  
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 21, 1987

FREE CONFERENCE COMMITTEE REPORTED.

IN THE SENATE

APRIL 22, 1987

FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 22, 1987

SECOND READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

THIRD READING, FREE CONFERENCE  
COMMITTEE REPORT ADOPTED.

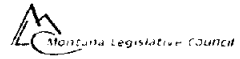
SENT TO ENROLLING.

*Cornelly*

1 *King* House BILL NO. 460  
 2 INTRODUCED BY *Keenan* *Wesley* *Ed* *Stacy* *Joseph*  
 3 ~~SIRATTO~~ *Haynes* *Harding* *Boylan* *Shady* *Long*  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PERMANENTLY INCREASING  
 5 THE FEE FOR DISSOLUTION OF MARRIAGE; PROVIDING FOR FEE  
 6 DISPOSITION; AMENDING SECTION 25-1-201, MCA; AND REPEALING  
 7 SECTION 13, CHAPTER 610, LAWS OF 1985." *Cl* *Holliday*  
 8 *Jacobson*

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 ~~930~~ \$55;  
 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~~ \$50 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~~ \$55;

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 Of the~~ additional fee for filing a petition  
14 for dissolution of marriage, \$50 must be deposited in the  
15 state general fund and \$5 must be deposited in the  
16 children's trust fund account established by 41-3-702."

17 NEW SECTION. Section 2. Repealer. Section 13, Chapter  
18 610, Laws of 1985, MCA, is repealed.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB460, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This legislation increases the additional fee for filing a dissolution of marriage by \$25. Under current law, \$25 of the additional fee for filing a petition for dissolution of marriage must be deposited in the state general fund for displaced homemakers. This legislation provides for \$50 of the additional fee to be deposited in the fund for displaced homemakers.

ASSUMPTIONS:

1. It is assumed that the number of petitions for dissolution of marriage will remain constant for the next two years. Based on the four year average by the Judicial Information System, there will be 5,419 dissolution of marriages in Montana per year.
2. It is assumed that the revenue generated will increase in proportion to the increase in the amount collected.
3. It is assumed there will be no effect on Children's Trust Account for the biennium. This bill does not change the fee currently being allocated and distributed by the District Court.
4. It is assumed the effective date of the bill is October 1, 1987. The revenue increase will be available for 3/4 of FY88.

FISCAL IMPACT:

	FY88			FY89		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
<u>Expenditures:</u>	\$ 101,606	\$ 203,212	\$ 101,606	\$ 135,475	\$ 270,950	\$ 135,475
<u>Revenues:</u>	\$ 101,606	\$ 203,212	\$ 101,606	\$ 135,475	\$ 270,950	\$ 135,475

Source of Funding: General Fund

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

It is estimated that the affect upon county or other local revenues would be favorable by reducing the number or public assistance enrollees.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

The program will continue to generate the positive effect of removing participants from public assistance rolls to the revenue generating market place.

TECHNICAL OR MECHANICAL DEFECTS IN PROPOSED LEGISLATION OR CONFLICTS WITH EXISTING LEGISLATION:

None.

David L. Hunter DATE 1/21/87  
 DAVID L. HUNTER, BUDGET DIRECTOR  
 Office of Budget and Program Planning

Keenan DATE 2-2-87  
 NANCY KEENAN, PRIMARY SPONSOR

Fiscal Note for HB460, as introduced.

**HB-460**

RE-REFERRED AND  
APPROVED BY COMMITTEE  
ON APPROPRIATIONS

1 HOUSE BILL NO. 460  
2 INTRODUCED BY KEENAN, WALLIN, ECK, LYNCH, STANG,  
3 REGAN, CONNELLY, VAUGHN, STRATFORD, HAFHEY, HARDING,  
4 BOYLAN, BRADLEY, LORY, DARKO, HAYNE, PETERSON, DONALDSON,  
5 MILES, DRISCOLL, NISBET, DAILY, WINSLOW, THOFT, HANSON,  
6 COHEN, HOLLIDAY, JACOBSON  
7  
8 A BILL FOR AN ACT ENTITLED: "AN ACT PERMANENTLY INCREASING  
9 THE FEE FOR DISSOLUTION OF MARRIAGE; PROVIDING FOR FEE  
10 DISPOSITION; AMENDING SECTION ~~SECTIONS-17-7-502-AND~~ SECTION  
11 25-1-201, MCA; AND REPEALING SECTION 13, CHAPTER 610, LAWS  
12 OF 1985; AND PROVIDING AN 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. (Temporary) Fees of clerk of district  
17 court. (1) The clerk of the district court shall collect the  
18 following fees:  
19 (a) at the commencement of each action or proceeding,  
20 EXCEPT A PETITION FOR DISSOLUTION OF MARRIAGE, from the  
21 plaintiff or petitioner, \$25; for filing a complaint in  
22 intervention, from the intervenor, \$25; and for filing a  
23 petition for dissolution of marriage, ~~an additional~~ A fee of  
24 ~~\$30~~ \$55 \$100;  
25 (b) from each defendant or respondent, on his

1 appearance, \$15;  
2 (c) on the entry of judgment, from the prevailing  
3 party, \$10;  
4 (d) for preparing copies of papers on file in his  
5 office, 25 cents per page;  
6 (e) for each certificate, with seal, 50 cents;  
7 (f) for oath and jurat, with seal, 50 cents;  
8 (g) for administering oath, 25 cents;  
9 (h) for taking depositions, per folio, 20 cents;  
10 (i) for filing and docketing a transcript of judgment  
11 or abstract of judgment from all other courts, \$5;  
12 (j) for issuing an execution or order of sale on a  
13 foreclosure of a lien, \$2;  
14 (k) for transmission of records or files or transfer  
15 of a case to another court, \$5;  
16 (l) for filing and entering papers received by  
17 transfer from other courts, \$10;  
18 (m) for issuing a marriage license, \$30;  
19 (n) on the filing of an application for informal,  
20 formal, or supervised probate or for the appointment of a  
21 personal representative or the filing of a petition for the  
22 appointment of a guardian or conservator, from the applicant  
23 or petitioner, \$35, which includes the fee for filing a will  
24 for probate;  
25 (o) on the filing of the items required in 72-4-303 by



1 a domiciliary foreign personal representative of the estate  
2 of a nonresident decedent, \$35;

3 (p) for filing a declaration of marriage without  
4 solemnization, \$30.

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

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

16 (4) Of the ~~additional~~ fee for filing a petition for  
17 dissolution of marriage, \$25 ~~\$50~~ \$35 ~~\$75~~ must be deposited  
18 in the state general fund ~~and \$57-\$40 must be deposited in~~  
19 ~~the children's trust fund account established by 41-3-702~~  
20 ~~{SECTION 3}~~ AND \$25 MUST BE DEPOSITED IN AND CREDITED TO  
21 THE GENERAL FUND OF THE COUNTY.

22 25-1-201. (Effective January 1, 1990) Fees of clerk of  
23 district court. (1) The clerk of the district court shall  
24 collect the following fees:

25 (a) at the commencement of each action or proceeding,

1 EXCEPT A PETITION FOR DISSOLUTION OF MARRIAGE, from the  
2 plaintiff or petitioner, \$25; for filing a complaint in  
3 intervention, from the intervenor, \$25; and for filing a  
4 petition for dissolution of marriage, ~~an additional~~ A fee of  
5 \$25 ~~\$55~~ \$100;

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

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

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

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

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

14 (g) for administering oath, 25 cents;

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

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

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

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

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

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

25 (n) on the filing of an application for informal,

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

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

9 (p) for filing a declaration of marriage without  
10 solemnization, \$30.

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

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

23 (4) The Of the additional fee for filing a petition  
24 for dissolution of marriage, \$50 \$35 \$75 must be deposited  
25 in the state general fund and \$57-\$40 must be deposited in

1 the children's trust fund account--established--by 41-3-702  
2 {SECTION--3}; AND \$25 MUST BE DEPOSITED IN AND CREDITED TO  
3 THE GENERAL FUND OF THE COUNTY."

4 SECTION-2--SECTION-17-7-502;MCA;IS-AMENDED-TO-READ:  
5 "17-7-502;--Statutory--appropriations----definition---  
6 requisites-for-validity;--(1)-A-statutory--appropriation--is  
7 an--appropriation--made--by--permanent--law--that--authorizes  
8 spending-by-a-state-agency-without-the-need-for--a--biennial  
9 legislative-appropriation-or-budget-amendment;

10 {2}--Except--as--provided--in--subsection--{4}--to--be  
11 effective;--a--statutory--appropriation--must--comply--with--both  
12 of--the--following--provisions:

13 {a}--The--law--containing--the--statutory--authority--must--be  
14 listed--in--subsection--{3};

15 {b}--The--law--or--portion--of--the--law--making--a--statutory  
16 appropriation--must--specifically--state--that--a--statutory  
17 appropriation--is--made--as--provided--in--this--section;

18 {3}--The--following--laws--are--the--only--laws--containing  
19 statutory--appropriations:

20 {a}--2-9-202;

21 {b}--2-17-105;

22 {c}--2-10-812;

23 {d}--10-3-203;

24 {e}--10-3-312;

25 {f}--10-3-314;

1 (g)--10-4-301;  
 2 (h)--13-37-304;  
 3 (i)--15-31-702;  
 4 (j)--15-36-112;  
 5 (k)--15-70-101;  
 6 (l)--16-1-404;  
 7 (m)--16-1-410;  
 8 (n)--16-1-411;  
 9 (o)--17-3-212;  
 10 (p)--17-5-404;  
 11 (q)--17-5-424;  
 12 (r)--17-5-804;  
 13 (s)--19-8-504;  
 14 (t)--19-9-702;  
 15 (u)--19-9-1007;  
 16 (v)--19-10-205;  
 17 (w)--19-10-305;  
 18 (x)--19-10-506;  
 19 (y)--19-11-512;  
 20 (z)--19-11-513;  
 21 (aa)-19-11-606;  
 22 (bb)-19-12-301;  
 23 (cc)-19-13-604;  
 24 (dd)-20-6-406;  
 25 (ee)-20-8-111;

1 (ff)-23-5-612;  
 2 (gg)-37-51-501;  
 3 (hh)-53-24-206;  
 4 (ii)-75-1-1101;  
 5 (jj)-75-7-305;  
 6 (kk)-80-2-103;  
 7 (ll)-80-2-228;  
 8 (mm)-90-3-301;  
 9 (nn)-90-3-302;  
 10 (oo)-90-15-103;-and  
 11 (pp)-Sec.-13,-HB-861,-B.-1985;-and  
 12 (qq)-[section-3];  
 13 (4)--There--is--a--statutory--appropriation--to--pay--the  
 14 principal,-interest,-premiums,-and--costs--of--issuing,-paying,  
 15 and--securing--all--bonds,-notes,-or--other--obligations,-as--due,  
 16 that--have--been--authorized--and--issued--pursuant--to--the--laws--of  
 17 Montana;-Agencies--that--have--entered--into--agreements  
 18 authorized--by--the--laws--of--Montana--to--pay--the--state  
 19 treasurer,-for--deposit--in--accordance--with--17-2-101--through  
 20 17-2-107,-as--determined--by--the--state--treasurer,-an--amount  
 21 sufficient--to--pay--the--principal--and--interest--as--due--on--the  
 22 bonds--or--notes--have--statutory--appropriation--authority--for  
 23 such--payments-"  
 24 NEW-SECTION--SECTION-3--PROGRAMS-ACCOUNT-----USE--OF  
 25 ACCOUNT--MONEY--THERE--IS--AN-ACCOUNT-IN-THE-STATE-SPECIAL

1 ~~REVENGE FUND, MONEY DEPOSITED IN THE ACCOUNT IS STATUTORILY~~  
2 ~~APPROPRIATED TO THE COMMISSIONER, AS PROVIDED IN 17-7-502,~~  
3 ~~TO BE USED TO FUND PROGRAMS UNDER THIS PART.~~

4 NEW SECTION. Section 2. Repealer. Section 13, Chapter  
5 610, Laws of 1985, MCA, is repealed.

6 ~~NEW SECTION. SECTION 5. EXTENSION OF AUTHORITY. ANY~~  
7 ~~EXISTING AUTHORITY OF THE COMMISSIONER OF LABOR AND INDUSTRY~~  
8 ~~TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT~~  
9 ~~IS EXTENDED TO THE PROVISIONS OF THIS ACT.~~

10 ~~NEW SECTION. SECTION 6. CODIFICATION. INSTRUCTION~~  
11 ~~SECTION 3 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF~~  
12 ~~TITLE 39, CHAPTER 7, PART 3, AND THE PROVISIONS OF TITLE 39,~~  
13 ~~CHAPTER 7, PART 3, APPLY TO SECTION 3.~~

14 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS  
15 EFFECTIVE JULY 1, 1987.

-End-

## 1 HOUSE BILL NO. 460

2 INTRODUCED BY KEENAN, WALLIN, ECK, LYNCH, STANG,

3 REGAN, CONNELLY, VAUGHN, STRATFORD, HAFPEY, HARDING,

4 BOYLAN, BRADLEY, LORY, DARKO, HAYNE, PETERSON, DONALDSON,

5 MILES, DRISCOLL, NISBET, DAILY, WINSLOW, THOFT, HANSON,

6 COHEN, HOLLIDAY, JACOBSON

7  
8 A BILL FOR AN ACT ENTITLED: "AN ACT PERMANENTLY INCREASING  
9 THE FEE FOR DISSOLUTION OF MARRIAGE; PROVIDING FOR FEE  
10 DISPOSITION; AMENDING SECTION ~~SECTIONS-17-7-502-AND~~ SECTION  
11 25-1-201, MCA; AND REPEALING SECTION 13, CHAPTER 610, LAWS  
12 OF 1985; AND PROVIDING AN 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. (Temporary) Fees of clerk of district  
17 court. (1) The clerk of the district court shall collect the  
18 following fees:

19 (a) at the commencement of each action or proceeding,  
20 EXCEPT A PETITION FOR DISSOLUTION OF MARRIAGE, from the  
21 plaintiff or petitioner, \$25; for filing a complaint in  
22 intervention, from the intervenor, \$25; and for filing a  
23 petition for dissolution of marriage, ~~an additional~~ A fee of  
24 ~~930 \$55 \$100~~;

25 (b) from each defendant or respondent, on his

1 appearance, \$15;

2 (c) on the entry of judgment, from the prevailing  
3 party, \$10;4 (d) for preparing copies of papers on file in his  
5 office, 25 cents per page;

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

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

8 (g) for administering oath, 25 cents;

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

10 (i) for filing and docketing a transcript of judgment  
11 or abstract of judgment from all other courts, \$5;12 (j) for issuing an execution or order of sale on a  
13 foreclosure of a lien, \$2;14 (k) for transmission of records or files or transfer  
15 of a case to another court, \$5;16 (l) for filing and entering papers received by  
17 transfer from other courts, \$10;

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

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

25 (o) on the filing of the items required in 72-4-303 by

1 a domiciliary foreign personal representative of the estate  
2 of a nonresident decedent, \$35;

3 (p) for filing a declaration of marriage without  
4 solemnization, \$30.

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

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

16 (4) Of the additional fee for filing a petition for  
17 dissolution of marriage, \$25 ~~\$50~~ ~~\$35~~ ~~\$75~~ must be deposited  
18 in the state general fund and ~~\$57-948~~ must be deposited in  
19 ~~the children's trust fund account established by 41-3-702~~  
20 ~~{SECTION-3}~~ AND \$25 MUST BE DEPOSITED IN AND CREDITED TO  
21 THE GENERAL FUND OF THE COUNTY.

22 25-1-201. (Effective January 1, 1990) Fees of clerk of  
23 district court. (1) The clerk of the district court shall  
24 collect the following fees:

25 (a) at the commencement of each action or proceeding,

1 EXCEPT A PETITION FOR DISSOLUTION OF MARRIAGE, from the  
2 plaintiff or petitioner, \$25; for filing a complaint in  
3 intervention, from the intervenor, \$25; and for filing a  
4 petition for dissolution of marriage, an additional A fee of  
5 ~~\$25~~ ~~\$55~~ \$100;

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

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

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

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

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

14 (g) for administering oath, 25 cents;

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

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

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

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

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

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

25 (n) on the filing of an application for informal,

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

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

9 (p) for filing a declaration of marriage without  
10 solemnization, \$30.

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

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

23 (4) The Of the additional fee for filing a petition  
24 for dissolution of marriage, \$50 \$35 \$75 must be deposited  
25 in the state general fund and \$5, \$40 must be deposited in

1 the children's trust fund account established by 41-3-702  
2 {SECTION-3} AND \$25 MUST BE DEPOSITED IN AND CREDITED TO  
3 THE GENERAL FUND OF THE COUNTY."

4 SECTION-2,--SECTION-17-7-502, MCA, IS AMENDED TO READ:  
5 "17-7-502,--Statutory appropriations--definition--  
6 requisites-for-validity,--(1)--A-statutory-appropriation-is  
7 an-appropriation-made-by-permanent-law-that-authorizes  
8 spending-by-a-state-agency-without-the-need-for-a-biennial  
9 legislative-appropriation-or-budget-amendment;

10 (2)--Except-as-provided-in-subsection-(4),--to-be  
11 effective,--a-statutory-appropriation-must-comply-with-both  
12 of-the-following-provisions:

13 (a)--The-law-containing-the-statutory-authority-must-be  
14 listed-in-subsection-(3);

15 (b)--The-law-or-portion-of-the-law-making-a-statutory  
16 appropriation-must-specifically-state-that-a-statutory  
17 appropriation-is-made-as-provided-in-this-section;

18 (3)--The-following-laws-are-the-only-laws-containing  
19 statutory-appropriations:

- 20 (a)--2-9-202;
- 21 (b)--2-17-105;
- 22 (c)--2-10-012;
- 23 (d)--10-3-203;
- 24 (e)--10-3-312;
- 25 (f)--10-3-314;

1 {g}-10-4-301;  
 2 {h}-13-37-304;  
 3 {i}-15-31-702;  
 4 {j}-15-36-112;  
 5 {k}-15-70-101;  
 6 {l}-16-1-404;  
 7 {m}-16-1-410;  
 8 {n}-16-1-411;  
 9 {o}-17-3-212;  
 10 {p}-17-5-404;  
 11 {q}-17-5-424;  
 12 {r}-17-5-804;  
 13 {s}-19-0-504;  
 14 {t}-19-9-702;  
 15 {u}-19-9-1007;  
 16 {v}-19-10-205;  
 17 {w}-19-10-305;  
 18 {x}-19-10-506;  
 19 {y}-19-11-512;  
 20 {z}-19-11-513;  
 21 {aa}-19-11-606;  
 22 {bb}-19-12-301;  
 23 {cc}-19-13-604;  
 24 {dd}-20-6-406;  
 25 {ee}-20-8-111;

1 {ff}-23-5-612;  
 2 {gg}-37-51-501;  
 3 {hh}-53-24-206;  
 4 {ii}-75-1-1101;  
 5 {jj}-75-7-305;  
 6 {kk}-80-2-103;  
 7 {ll}-80-2-220;  
 8 {mm}-90-3-301;  
 9 {nn}-90-3-302;  
 10 {oo}-90-15-103;-and  
 11 {pp}-Sec.-13;-HB-0617;-E;-1985;-and  
 12 {qq}-[section-3];  
 13 {4}-There-is-a-statutory-appropriation-to-pay-the  
 14 principal;-interest;-premiums;-and-costs-of-issuing;-paying;  
 15 and-securing-all-bonds;-notes;-or-other-obligations;-as-due;  
 16 that-have-been-authorized-and-issued-pursuant-to-the-laws-of  
 17 Montana;-Agencies-that-have-entered-into-agreements  
 18 authorized-by-the-laws-of-Montana-to-pay-the-state  
 19 treasurer;-for-deposit-in-accordance-with-17-2-101-through  
 20 17-2-107;-as-determined-by-the-state-treasurer;-an-amount  
 21 sufficient-to-pay-the-principal-and-interest-as-due-on-the  
 22 bonds-or-notes-have-statutory-appropriation-authority-for  
 23 such-payments.\*  
 24 NEW-SECTION--SECTION-3--PROGRAMS-ACCOUNT-----USE-OF  
 25 ACCOUNT--MONEY--THERE-IS-AN-ACCOUNT-IN-THE-STATE-SPECIAL



1 ~~REVENUE FUND. MONEY DEPOSITED IN THE ACCOUNT IS STATUTORILY~~  
2 ~~APPROPRIATED TO THE COMMISSIONER, AS PROVIDED IN 17-7-502,~~  
3 ~~TO BE USED TO FUND PROGRAMS UNDER THIS PART.~~

4 NEW SECTION. Section 2. Repealer. Section 13, Chapter  
5 610, Laws of 1985, MCA, is repealed.

6 ~~NEW SECTION. SECTION 5. EXTENSION OF AUTHORITY. ANY~~  
7 ~~EXISTING AUTHORITY OF THE COMMISSIONER OF LABOR AND INDUSTRY~~  
8 ~~TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT~~  
9 ~~IS EXTENDED TO THE PROVISIONS OF THIS ACT.~~

10 ~~NEW SECTION. SECTION 6. CODIFICATION. INSTRUCTION~~  
11 ~~SECTION 3 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF~~  
12 ~~TITLE 39, CHAPTER 7, PART 3, AND THE PROVISIONS OF TITLE 39,~~  
13 ~~CHAPTER 7, PART 3, APPLY TO SECTION 3.~~

14 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS  
15 EFFECTIVE JULY 1, 1987.

-End-

## 1 HOUSE BILL NO. 460

2 INTRODUCED BY KEENAN, WALLIN, ECK, LYNCH, STANG,  
 3 REGAN, CONNELLY, VAUGHN, STRATFORD, HAFPEY, HARDING,  
 4 BOYLAN, BRADLEY, LORY, DARKO, HAYNE, PETERSON, DONALDSON,  
 5 MILES, DRISCOLL, NISBET, DAILY, WINSLOW, THOFT, HANSON,  
 6 COHEN, HOLLIDAY, JACOBSON

7  
 8 A BILL FOR AN ACT ENTITLED: "AN ACT PERMANENTLY INCREASING  
 9 THE FEE FOR DISSOLUTION OF MARRIAGE; PROVIDING FOR FEE  
 10 DISPOSITION; AMENDING SECTION ~~SECTIONS-17-7-502-AND~~ SECTION  
 11 25-1-201, MCA; AND REPEALING SECTION 13, CHAPTER 610, LAWS  
 12 OF 1985; AND PROVIDING AN 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. (Temporary) Fees of clerk of district  
 17 court. (1) The clerk of the district court shall collect the  
 18 following fees:

19 (a) at the commencement of each action or proceeding,  
 20 EXCEPT A PETITION FOR DISSOLUTION OF MARRIAGE, from the  
 21 plaintiff or petitioner, \$25; for filing a complaint in  
 22 intervention, from the intervenor, \$25; and for filing a  
 23 petition for dissolution of marriage, ~~an additional~~ A fee of  
 24 ~~\$\$\$~~ \$55 \$100;

25 (b) from each defendant or respondent, on his

1 appearance, \$15;

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

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

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

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

8 (g) for administering oath, 25 cents;

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

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

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

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

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

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

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

25 (o) on the filing of the items required in 72-4-303 by

1 a domiciliary foreign personal representative of the estate  
2 of a nonresident decedent, \$35;

3 (p) for filing a declaration of marriage without  
4 solemnization, \$30.

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

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

16 (4) Of the ~~additional~~ fee for filing a petition for  
17 dissolution of marriage, ~~\$25 \$50 \$35 \$75 \$70~~ must be  
18 deposited in the state general fund ~~and--\$57--\$40~~ must--be  
19 ~~deposited--in--the--children's--trust--fund--account--established~~  
20 ~~by-41-3-702 {SECTION--3}7, \$5 MUST BE DEPOSITED IN THE~~  
21 ~~CHILDREN'S TRUST FUND ACCOUNT ESTABLISHED BY 41-3-702, AND~~  
22 ~~\$25 MUST BE DEPOSITED IN AND CREDITED TO THE GENERAL FUND OF~~  
23 ~~THE COUNTY.~~

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 EXCEPT A PETITION FOR DISSOLUTION OF MARRIAGE, from the  
4 plaintiff or petitioner, \$25; for filing a complaint in  
5 intervention, from the intervenor, \$25; and for filing a  
6 petition for dissolution of marriage, ~~an-additional~~ A fee of  
7 ~~\$25 \$55~~ \$100;

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

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

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

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

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

16 (g) for administering oath, 25 cents;

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

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

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

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

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

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

2 (n) on the filing of an application for informal,

3 formal, or supervised probate or for the appointment of a

4 personal representative or the filing of a petition for the

5 appointment of a guardian or conservator, from the applicant

6 or petitioner, \$35, which includes the fee for filing a will

7 for probate;

8 (o) on the filing of the items required in 72-4-303 by

9 a domiciliary foreign personal representative of the estate

10 of a nonresident decedent, \$35;

11 (p) for filing a declaration of marriage without

12 solemnization, \$30.

13 (2) Except as provided in subsection SUBSECTIONS (3)

14 AND (4), 32% of all fees collected by the clerk of the

15 district court must be deposited in and credited to the

16 general fund of the county. The remaining portion of the

17 fees must be remitted to the state to be deposited as

18 provided in 19-5-404.

19 (3) In the case of a fee collected for issuing a

20 marriage license or filing a declaration of marriage without

21 solemnization, \$14 must be deposited in and credited to the

22 state general fund, \$6.40 must be deposited in and credited

23 to the county general fund, and \$9.60 must be remitted to

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

25 (4) The Of the additional fee for filing a petition

1 for dissolution of marriage, \$50 \$35 \$75 \$70 must be

2 deposited in the state general fund and--\$57--\$40 must--be

3 deposited--in--the children's-trust-fund account-established

4 by 41-3-702 {SECTION-3}, \$5 MUST BE DEPOSITED IN THE

5 CHILDREN'S TRUST FUND ACCOUNT ESTABLISHED BY 41-3-702, AND

6 \$25 MUST BE DEPOSITED IN AND CREDITED TO THE GENERAL FUND OF

7 THE COUNTY."

8 SECTION-2--SECTION-17-7-5027-MCA7-IS-AMENDED-TO-READ:

9 "17-7-502--Statutory--appropriations----definition---

10 requisites-for-validity--(1)-A-statutory--appropriation--is

11 an--appropriation--made--by--permanent--law--that--authorizes

12 spending-by-a-state-agency-without-the-need-for--a--biennial

13 legislative-appropriation-or-budget-amendment;

14 (2)--Except--as--provided--in--subsection--(4),--to--be

15 effective,--a--statutory--appropriation--must--comply--with--both

16 of--the--following--provisions:

17 (a)--The--law--containing--the--statutory--authority--must--be

18 listed--in--subsection--(3);

19 (b)--The--law--or--portion--of--the--law--making--a--statutory

20 appropriation--must--specifically--state--that--a--statutory

21 appropriation--is--made--as--provided--in--this--section;

22 (3)--The--following--laws--are--the--only--laws--containing

23 statutory--appropriations:

24 (a)--2-9-202;

25 (b)--2-17-105;

1 {c}-2-18-812;  
 2 {d}-10-3-203;  
 3 {e}-10-3-312;  
 4 {f}-10-3-314;  
 5 {g}-10-4-301;  
 6 {h}-13-37-304;  
 7 {i}-15-31-702;  
 8 {j}-15-36-112;  
 9 {k}-15-70-101;  
 10 {l}-16-1-404;  
 11 {m}-16-1-410;  
 12 {n}-16-1-411;  
 13 {o}-17-3-212;  
 14 {p}-17-5-404;  
 15 {q}-17-5-424;  
 16 {r}-17-5-804;  
 17 {s}-19-8-504;  
 18 {t}-19-9-702;  
 19 {u}-19-9-1007;  
 20 {v}-19-10-205;  
 21 {w}-19-10-305;  
 22 {x}-19-10-506;  
 23 {y}-19-11-512;  
 24 {z}-19-11-513;  
 25 {aa}-19-11-606;

1 {bb}-19-12-301;  
 2 {cc}-19-13-604;  
 3 {dd}-20-6-406;  
 4 {ee}-20-8-111;  
 5 {ff}-23-5-612;  
 6 {gg}-37-51-501;  
 7 {hh}-53-24-206;  
 8 {ii}-75-1-1101;  
 9 {jj}-75-7-305;  
 10 {kk}-80-2-103;  
 11 {ll}-80-2-220;  
 12 {mm}-90-3-301;  
 13 {nn}-90-3-302;  
 14 {oo}-90-15-103, and  
 15 {pp}-Sec.-137-HB-8617-H-1985, and  
 16 {qq}-section 3;  
 17 (4)-There is a statutory appropriation to pay the  
 18 principal, interest, premiums, and costs of issuing, paying,  
 19 and securing all bonds, notes, or other obligations, as due,  
 20 that have been authorized and issued pursuant to the laws of  
 21 Montana, that have entered into agreements  
 22 authorized by the laws of Montana to pay the state  
 23 treasurer, for deposit in accordance with 17-2-101 through  
 24 17-2-107, as determined by the state treasurer, an amount  
 25 sufficient to pay the principal and interest as due on the

1 bonds or notes have statutory appropriation authority for  
2 such payments."

3 NEW SECTION. SECTION 3. PROGRAMS ACCOUNT. USE OF  
4 ACCOUNT MONEY. THERE IS AN ACCOUNT IN THE STATE SPECIAL  
5 REVENUE FUND. MONEY DEPOSITED IN THE ACCOUNT IS STATUTORILY  
6 APPROPRIATED TO THE COMMISSIONER AS PROVIDED IN 17-7-502.  
7 TO BE USED TO FUND PROGRAMS UNDER THIS PART.

8 NEW SECTION. Section 2. Repealer. Section 13, Chapter  
9 610, Laws of 1985, MCA, is repealed.

10 NEW SECTION. SECTION 5. EXTENSION OF AUTHORITY. ANY  
11 EXISTING AUTHORITY OF THE COMMISSIONER OF LABOR AND INDUSTRY  
12 TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT  
13 IS EXTENDED TO THE PROVISIONS OF THIS ACT.

14 NEW SECTION. SECTION 6. CODIFICATION. INSTRUCTION.  
15 SECTION 3 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF  
16 TITLE 39, CHAPTER 7, PART 3 AND THE PROVISIONS OF TITLE 39,  
17 CHAPTER 7, PART 3 APPLY TO SECTION 3.

18 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS  
19 EFFECTIVE JULY 1, 1987.

-End-

COMMITTEE OF THE WHOLE AMENDMENT

4071630p.cwr

4-7-87

DATE

SENATE

4:30

TIME

MR. CHAIRMAN: I MOVE TO AMEND House Bill

No. 460

third reading copy ( blue ) as follows:  
Color

1. Page 3, line 17.

Strike: " \$75 "

Insert: "\$70"

2. Page 3, line 20.

Following: "~~SECTION-317~~"

Insert: ", \$5 must be deposited in the children's trust fund account established by 41-3-702,"

3. Page 5, line 24.

Strike: " \$75 "

Insert: "\$70"

4. Page 6, line 2.

Following: "~~SECTION-317~~"

Insert: ", \$5 must be deposited in the children's trust fund account established by 41-3-702,"

AC

ADOPT

REJECT

Senator Lynch

# CONFERENCE COMMITTEE REPORT

Report No. ....One.....

.....4-21..... 19.87....

MR. SPEAKER

We, your \_\_\_\_\_ FREE \_\_\_\_\_ Conference Committee on  
HB 460

met and considered \_\_\_\_\_ House Bill 460 in its entirety.

We recommend as follows:

THAT HOUSE BILL 460, reference copy salmon, BE AMENDED AS FOLLOWS:

1) Page 3, line 17.  
Strike: "\$70"  
Insert: "\$75"

2) Page 3, line 22.  
Strike: "\$25"  
Insert: "\$20"

3) Page 6, line 1.  
Strike: "\$70"  
Insert: "\$75"

4) Page 6, line 6.  
Strike: "\$25"  
Insert: "\$20"

And that this Conference Committee report be adopted.

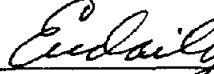
FOR THE SENATE

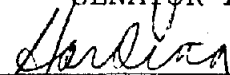
FOR THE HOUSE

  
\_\_\_\_\_  
SENATOR REGAN

  
\_\_\_\_\_  
REP. KEENAN

  
\_\_\_\_\_  
SENATOR LYNCH

  
\_\_\_\_\_  
REP. EUDAILY

  
\_\_\_\_\_  
SENATOR HARDING

  
\_\_\_\_\_  
REP. WINSLOW



## 1 HOUSE BILL NO. 460

2 INTRODUCED BY KEENAN, WALLIN, ECK, LYNCH, STANG,

3 REGAN, CONNELLY, VAUGHN, STRATFORD, HAFEEY, HARDING,

4 BOYLAN, BRADLEY, LORY, DARKO, HAYNE, PETERSON, DONALDSON,

5 MILES, DRISCOLL, NISBET, DAILY, WINSLOW, THOFT, HANSON,

6 COHEN, HOLLIDAY, JACOBSON

7

8 A BILL FOR AN ACT ENTITLED: "AN ACT PERMANENTLY INCREASING  
9 THE FEE FOR DISSOLUTION OF MARRIAGE; PROVIDING FOR FEE  
10 DISPOSITION; AMENDING SECTION ~~SECTIONS-17-7-502-AND~~ SECTION  
11 25-1-201, MCA; AND REPEALING SECTION 13, CHAPTER 610, LAWS  
12 OF 1985; AND PROVIDING AN 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. (Temporary) Fees of clerk of district  
17 court. (1) The clerk of the district court shall collect the  
18 following fees:

19 (a) at the commencement of each action or proceeding,  
20 EXCEPT A PETITION FOR DISSOLUTION OF MARRIAGE, from the  
21 plaintiff or petitioner, \$25; for filing a complaint in  
22 intervention, from the intervenor, \$25; and for filing a  
23 petition for dissolution of marriage, ~~an additional~~ A fee of  
24 \$38 ~~\$55~~ \$100;

25 (b) from each defendant or respondent, on his

1 appearance, \$15;

2 (c) on the entry of judgment, from the prevailing  
3 party, \$10;4 (d) for preparing copies of papers on file in his  
5 office, 25 cents per page;

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

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

8 (g) for administering oath, 25 cents;

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

10 (i) for filing and docketing a transcript of judgment  
11 or abstract of judgment from all other courts, \$5;12 (j) for issuing an execution or order of sale on a  
13 foreclosure of a lien, \$2;14 (k) for transmission of records or files or transfer  
15 of a case to another court, \$5;16 (l) for filing and entering papers received by  
17 transfer from other courts, \$10;

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

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

25 (o) on the filing of the items required in 72-4-303 by

1 a domiciliary foreign personal representative of the estate  
2 of a nonresident decedent, \$35;

3 (p) for filing a declaration of marriage without  
4 solemnization, \$30.

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

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

16 (4) Of the ~~additional~~ fee for filing a petition for  
17 dissolution of marriage, ~~\$25 \$50 \$35 \$75 \$70 \$75~~ must be  
18 deposited in the state general fund ~~and--\$57--\$40 must--be~~  
19 ~~deposited--in--the-children's-trust-fund-account-established~~  
20 ~~by-41-3-702 {SECTION--3}7, \$5 MUST BE DEPOSITED IN THE~~  
21 ~~CHILDREN'S TRUST FUND ACCOUNT ESTABLISHED BY 41-3-702, AND~~  
22 ~~\$25 \$20 MUST BE DEPOSITED IN AND CREDITED TO THE GENERAL~~  
23 ~~FUND OF THE COUNTY.~~

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 EXCEPT A PETITION FOR DISSOLUTION OF MARRIAGE, from the  
4 plaintiff or petitioner, \$25; for filing a complaint in  
5 intervention, from the intervenor, \$25; and for filing a  
6 petition for dissolution of marriage, ~~an-additional~~ A fee of  
7 ~~\$25 \$55 \$100~~;

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

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

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

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

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

16 (g) for administering oath, 25 cents;

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

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

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

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

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

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

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

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

11 (p) for filing a declaration of marriage without  
12 solemnization, \$30.

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

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

25 (4) ~~The~~ Of the additional fee for filing a petition

1 for dissolution of marriage, ~~\$50~~ \$35 ~~\$75~~ \$70 ~~\$75~~ must be  
2 deposited in the state general fund ~~and \$57-\$48 must be~~  
3 ~~deposited in the children's trust fund account established~~  
4 ~~by 41-3-702 [SECTION-3]7, \$5 MUST BE DEPOSITED IN THE~~  
5 ~~CHILDREN'S TRUST FUND ACCOUNT ESTABLISHED BY 41-3-702, AND~~  
6 ~~\$25 \$20 MUST BE DEPOSITED IN AND CREDITED TO THE GENERAL~~  
7 ~~FUND OF THE COUNTY."~~

8 ~~SECTION-2--SECTION-17-7-502, MCA7-IS-AMENDED-TO--READ:~~  
9 ~~"17-7-502--Statutory--appropriations----definition--~~  
10 ~~requisites-for-validity--(1)-A-statutory--appropriation--is~~  
11 ~~an--appropriation--made--by--permanent--law--that--authorizes~~  
12 ~~spending-by-a-state-agency-without-the-need-for--a--biennial~~  
13 ~~legislative-appropriation-or-budget-amendment:~~

14 ~~(2)--Except--as--provided--in--subsection--(4)7--to--be~~  
15 ~~effective--a-statutory-appropriation-must-comply--with--both~~  
16 ~~of-the-following-provisions:~~

17 ~~(a)--The-law-containing-the-statutory-authority-must-be~~  
18 ~~listed-in-subsection-(3):~~

19 ~~(b)--The--law--or-portion-of-the-law-making-a-statutory~~  
20 ~~appropriation--must--specifically--state--that--a--statutory~~  
21 ~~appropriation-is-made-as-provided-in-this-section:~~

22 ~~(3)--The--following--laws--are-the-only-laws-containing~~  
23 ~~statutory-appropriations:~~

24 ~~(a)--2-9-202;~~  
25 ~~(b)--2-17-105;~~

1 {c}--2-18-812;  
 2 {d}--10-3-203;  
 3 {e}--10-3-312;  
 4 {f}--10-3-314;  
 5 {g}--10-4-301;  
 6 {h}--13-37-304;  
 7 {i}--15-31-702;  
 8 {j}--15-36-112;  
 9 {k}--15-70-101;  
 10 {l}--16-1-404;  
 11 {m}--16-1-410;  
 12 {n}--16-1-411;  
 13 {o}--17-3-212;  
 14 {p}--17-5-404;  
 15 {q}--17-5-424;  
 16 {r}--17-5-804;  
 17 {s}--19-8-504;  
 18 {t}--19-9-702;  
 19 {u}--19-9-1007;  
 20 {v}--19-10-205;  
 21 {w}--19-10-305;  
 22 {x}--19-10-506;  
 23 {y}--19-11-512;  
 24 {z}--19-11-513;  
 25 {aa}--19-11-606;

1 {bb}--19-12-301;  
 2 {cc}--19-13-604;  
 3 {dd}--20-6-406;  
 4 {ee}--20-8-111;  
 5 {ff}--23-5-612;  
 6 {gg}--37-51-501;  
 7 {hh}--53-24-206;  
 8 {ii}--75-1-1101;  
 9 {jj}--75-7-305;  
 10 {kk}--80-2-103;  
 11 {ll}--80-2-220;  
 12 {mm}--90-3-301;  
 13 {nn}--90-3-302;  
 14 {oo}--90-15-103; and  
 15 {pp}--Sec. 13, HB-861, H. 1985, and  
 16 {qq}--(section 3)--  
 17 {4)--There is a statutory appropriation to pay the  
 18 principal, interest, premiums, and costs of issuing, paying,  
 19 and securing all bonds, notes, or other obligations, as due  
 20 that have been authorized and issued pursuant to the laws of  
 21 Montana, Agencies that have entered into agreements  
 22 authorized by the laws of Montana to pay the state  
 23 treasurer, for deposit in accordance with 17-2-101 through  
 24 17-2-107 as determined by the state treasurer, an amount  
 25 sufficient to pay the principal and interest as due on the

1 ~~bonds or notes have statutory appropriation authority for~~  
2 ~~such payments."~~

3 ~~NEW SECTION. SECTION 3. PROGRAMS ACCOUNT. USE OF~~  
4 ~~ACCOUNT MONEY. THERE IS AN ACCOUNT IN THE STATE SPECIAL~~  
5 ~~REVENUE FUND. MONEY DEPOSITED IN THE ACCOUNT IS STATUTORILY~~  
6 ~~APPROPRIATED TO THE COMMISSIONER, AS PROVIDED IN 17-7-502,~~  
7 ~~TO BE USED TO FUND PROGRAMS UNDER THIS PART.~~

8 NEW SECTION. Section 2. Repealer. Section 13, Chapter  
9 610, Laws of 1985, MCA, is repealed.

10 ~~NEW SECTION. SECTION 5. EXTENSION OF AUTHORITY. ANY~~  
11 ~~EXISTING AUTHORITY OF THE COMMISSIONER OF LABOR AND INDUSTRY~~  
12 ~~TO MAKE RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT~~  
13 ~~IS EXTENDED TO THE PROVISIONS OF THIS ACT.~~

14 ~~NEW SECTION. SECTION 6. CODIFICATION. INSTRUCTION.~~  
15 ~~SECTION 3 IS INTENDED TO BE CODIFIED AS AN INTEGRAL PART OF~~  
16 ~~TITLE 39, CHAPTER 7, PART 3, AND THE PROVISIONS OF TITLE 39,~~  
17 ~~CHAPTER 7, PART 3, APPLY TO SECTION 3.~~

18 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS  
19 EFFECTIVE JULY 1, 1987.

-End-