

HB 468 INTRODUCED BY LORY  
INCREASE JUDICIAL SALARIES; FUND INCREASES WITH  
INCREASED FILING FEES

1/26 INTRODUCED  
1/26 REFERRED TO STATE ADMINISTRATION  
1/27 FISCAL NOTE REQUESTED  
1/30 REREFERRED TO JUDICIARY  
2/02 FISCAL NOTE RECEIVED  
2/12 HEARING  
2/14 TABLED IN COMMITTEE

1 House BILL NO. 468  
 2 INTRODUCED BY Lary  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE SALARIES  
 5 PAID SUPREME COURT JUSTICES AND DISTRICT JUDGES; INCREASING  
 6 CERTAIN FILING FEES AND CREATING A NEW FILING FEE IN CIVIL  
 7 ACTIONS TO FUND THE SALARY INCREASES; ADJUSTING THE  
 8 PERCENTAGE OF FEES TO BE DEPOSITED IN THE COUNTY GENERAL  
 9 FUND AND REMITTED TO THE STATE; AMENDING SECTIONS 2-16-405,  
 10 3-5-211, 19-5-404, AND 25-1-201, MCA; AND PROVIDING AN  
 11 EFFECTIVE DATE."  
 12  
 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:  
 14 Section 1. Section 2-16-405, MCA, is amended to read:  
 15 "2-16-405. Salaries of certain elected state  
 16 officials. (1) The salaries paid to certain elected  
 17 officials of the state of Montana for fiscal year 1986 and  
 18 following years are:  
 19 Governor \$50,452  
 20 Lieutenant governor \$36,141  
 21 Chief justice of the supreme court \$51,722  
 22 Justices of the supreme court, each \$50,452  
 23 Attorney general \$46,016  
 24 State auditor \$33,342  
 25 Superintendent of public instruction \$39,672

1 Public service commission chairman \$37,363  
 2 Public service commissioners, other than  
 3 chairman \$36,141  
 4 Secretary of state \$33,342  
 5 Clerk of the supreme court \$32,401  
 6 (2) (a) The salary paid to the chief justice of the  
 7 supreme court is \$59,722 for fiscal year 1988 and \$61,722  
 8 for fiscal year 1989 and each year thereafter.  
 9 (b) The salary paid to a justice of the supreme court  
 10 is \$58,452 for fiscal year 1988 and \$60,452 for fiscal year  
 11 1989 and each year thereafter."  
 12 Section 2. Section 3-5-211, MCA, is amended to read:  
 13 "3-5-211. Salaries and expenses of district judges.  
 14 (1) The annual salary of each district judge is \$49,178  
 15 \$57,178 for fiscal year 1988 and \$59,178 for fiscal year  
 16 1989 and each year thereafter.  
 17 (2) Actual and necessary expenses for each district  
 18 judge shall be the travel expenses, as defined and provided  
 19 in 2-18-501 through 2-18-503, incurred in the performance of  
 20 his official duties."  
 21 Section 3. Section 25-1-201, MCA, is amended to read:  
 22 "25-1-201. (Temporary) Fees of clerk of district  
 23 court. (1) The clerk of the district court shall collect the  
 24 following fees:  
 25 (a) at the commencement of each action or proceeding,

1 from the plaintiff or petitioner, ~~\$25~~ \$75; for filing a  
 2 complaint in intervention, from the intervenor, ~~\$25~~ \$75; and  
 3 for filing a petition for dissolution of marriage, an  
 4 additional fee of \$30;

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

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

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

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

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

13 (g) for administering oath, 25 cents;

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

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

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

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

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

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

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

1 personal representative or the filing of a petition for the  
 2 appointment of a guardian or conservator, from the applicant  
 3 or petitioner, ~~\$35~~ \$75, which includes the fee for filing a  
 4 will for probate;

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

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

10 (q) for filing one or more cross-claims or  
 11 counterclaims in an action, \$30.

12 (2) Except as provided in subsections (3) and (4), ~~32%~~  
 13 37% of all fees collected by the clerk of the district court  
 14 must be deposited in and credited to the general fund of the  
 15 county. The remaining portion of the fees must be remitted  
 16 to the state to be deposited as 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) Of the additional fee for filing a petition for  
 24 dissolution of marriage, \$25 must be deposited in the state  
 25 general fund and \$5 must be deposited in the children's

1 trust fund account established by 41-3-702.  
 2 25-1-201. (Effective January 1, 1990) Fees of clerk of  
 3 district court. (1) The clerk of the district court shall  
 4 collect the following fees:  
 5 (a) at the commencement of each action or proceeding,  
 6 from the plaintiff or petitioner, ~~\$25~~ \$75; for filing a  
 7 complaint in intervention, from the intervenor, ~~\$25~~ \$75; and  
 8 for filing a petition for dissolution of marriage, an  
 9 additional fee of \$25;  
 10 (b) from each defendant or respondent, on his  
 11 appearance, ~~\$15~~ \$45;  
 12 (c) on the entry of judgment, from the prevailing  
 13 party, ~~\$10~~ \$30;  
 14 (d) for preparing copies of papers on file in his  
 15 office, 25 cents per page;  
 16 (e) for each certificate, with seal, 50 cents;  
 17 (f) for oath and jurat, with seal, 50 cents;  
 18 (g) for administering oath, 25 cents;  
 19 (h) for taking depositions, per folio, 20 cents;  
 20 (i) for filing and docketing a transcript of judgment  
 21 or abstract of judgment from all other courts, \$5;  
 22 (j) for issuing an execution or order of sale on a  
 23 foreclosure of a lien, \$2;  
 24 (k) for transmission of records or files or transfer  
 25 of a case to another court, \$5;

1 (1) for filing and entering papers received by  
 2 transfer from other courts, \$10;  
 3 (m) for issuing a marriage license, \$30;  
 4 (n) on the filing of an application for informal,  
 5 formal, or supervised probate or for the appointment of a  
 6 personal representative or the filing of a petition for the  
 7 appointment of a guardian or conservator, from the applicant  
 8 or petitioner, ~~\$35~~ \$75, which includes the fee for filing a  
 9 will for probate;  
 10 (o) on the filing of the items required in 72-4-303 by  
 11 a domiciliary foreign personal representative of the estate  
 12 of a nonresident decedent, \$35;  
 13 (p) for filing a declaration of marriage without  
 14 solemnization, \$30;  
 15 (q) for filing one or more cross-claims or  
 16 counterclaims in an action, \$30.  
 17 (2) Except as provided in ~~subsection~~ subsections (3)  
 18 and (4), ~~32%~~ 37% 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 Section 4. Section 19-5-404, MCA, is amended to read:

8 "19-5-404. Contributions by the state. The state of  
9 Montana shall contribute monthly to the fund a sum equal to  
10 6% of the salary of each member. In addition, the clerk of  
11 each district court shall transmit ~~68%~~ 63% of the certain  
12 filing fees collected under 25-1-201 to the state, which  
13 shall first deposit in the fund an amount equal to 31% of  
14 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."

21 NEW SECTION. Section 5. Effective date. This act is  
22 effective July 1, 1987.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB468, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing the salaries paid Supreme Court and District Court Judges; increasing certain filing fees; adjusting the percentage used to determine the disposition of the fees.

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 except for the probate which increased from \$35 to \$75.
5. No data is available to determine how much will be generated due to counter claim filings.

FISCAL IMPACT:Revenues:

	<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>
Current Fees	\$ 837,648	\$1,984,186	\$1,146,538	\$ 837,648	\$1,984,186	\$1,146,538
Disposition of Revenue:	68/32	63/37		68/32	63/37	
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
State Revenue	\$ 569,601	\$1,250,037	\$ 680,436	\$ 569,601	\$1,250,037	\$ 680,436
Local Revenue	268,047	734,149	466,102	268,047	734,149	466,102
TOTAL	\$ 837,648	\$1,984,186	\$1,146,538	\$ 837,648	\$1,984,186	\$1,146,538

Expenditures:

Judicial Salaries	\$2,409,500	\$2,775,983	\$ 366,483	\$2,421,043	\$2,880,319	\$ 459,276
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*David L. Hunter*

DATE

1/31/87

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

*Earl Lory*

DATE

EARL LORY, PRIMARY SPONSOR

Fiscal Note for HB468, as introduced.

*HB-468*