

1 *Senate* BILL NO. *220*
 2 INTRODUCED BY *Yellowtail*
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING FEES OF THE
 5 CLERK OF DISTRICT COURT FOR CERTAIN CHARGES; AMENDING
 6 SECTION 25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."
 7
 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 9 Section 1. Section 25-1-201, MCA, is amended to read:
 10 "25-1-201. (Temporary) Fees of clerk of district
 11 court. (1) The clerk of the district court shall collect the
 12 following fees:
 13 (a) at the commencement of each action or proceeding,
 14 from the plaintiff or petitioner, \$25; for filing a
 15 complaint in intervention, from the intervenor, \$25; and for
 16 filing a petition for dissolution of marriage, an additional
 17 fee of \$30;
 18 (b) from each defendant or respondent, on his
 19 appearance, \$15;
 20 (c) on the entry of judgment, from the prevailing
 21 party, \$10;
 22 (d) for preparing copies of papers on file in his
 23 office, 25 50 cents per page for the first five pages of
 24 each file, per request, and 25 cents per page thereafter;
 25 (e) for each certificate, with seal, 50-cents \$2;

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

1 of all fees collected by the clerk of the district court
2 must be deposited in and credited to the general fund of the
3 county. The remaining portion of the fees must be remitted
4 to the state to be deposited as provided in 19-5-404.

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

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

15 25-1-201. (Effective January 1, 1990) Fees of clerk of
16 district court. (1) The clerk of the district court shall
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15 the state to be deposited as provided in 19-5-404.

16 (4) The additional fee for filing a petition for
17 dissolution of marriage must be deposited in the state
18 general fund."

19 NEW SECTION. Section 2. Effective date. This act is
20 effective July 1, 1987.

-End-

In compliance with a written request, there is hereby submitted a Fiscal Note for SB220, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act revising fees of the Clerk of District Court for certain charges; amending Section 25-1-201, MCA; and providing an effective date.

ASSUMPTIONS:

1. Fees charged by the district court clerk would be comparable to those charged by other county offices.

FISCAL IMPACT:

There would be increased revenues to the county and state general fund, but the amount of increase can not be estimated given current information.

David L. Hunter DATE 1/30/87
DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

William Yellowtail DATE 1/31/87
WILLIAM YELLOWTAIL, PRIMARY SPONSOR
Fiscal Note for SB220, as introduced.

SB 220

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 220
INTRODUCED BY YELLOWTAIL

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

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

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(e) for each certificate, with seal, 50-cents \$2;

(f) for oath and jurat, with seal, 50-cents \$1;
(g) for administering-oath, 25-cents search of court records, 50 cents per-name for each year searched, NOT TO EXCEED A TOTAL OF \$25;

~~(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;~~

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19 dissolution of marriage must be deposited in the state
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21 NEW SECTION. Section 2. Effective date. This act is
22 effective July 1, 1987.

-End-

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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:

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