

SB 365 INTRODUCED BY MAZUREK  
INCREASE SALARY PERCENTAGE USE TO CALCULATE JUDGES'  
PENSIONS AFTER 15 YEARS

2/18	INTRODUCED		
2/18	REFERRED TO STATE ADMINISTRATION		
2/18	FISCAL NOTE REQUESTED		
2/20	HEARING		
2/20	COMMITTEE REPORT--BILL PASSED AS AMENDED		
2/23	2ND READING PASSED	48	2
2/25	FISCAL NOTE RECEIVED		
2/25	3RD READING PASSED	45	5
	TRANSMITTED TO HOUSE		
3/03	REFERRED TO STATE ADMINISTRATION		
3/17	HEARING		
3/17	COMMITTEE REPORT--BILL CONCURRED AS AMENDED		
3/20	2ND READING CONCURRED	72	25
3/20	SEGREGATED FROM COMMITTEE OF WHOLE REPORT		
3/20	REREFERRED TO STATE ADMINISTRATION		
3/26	HEARING		
3/26	COMMITTEE REPORT--BILL NOT CONCURRED		
3/27	ADVERSE COMMITTEE REPORT ADOPTED	59	36
3/27	RETURNED TO SENATE NOT CONCURRED		

1 Senate BILL NO. 365  
 2 INTRODUCED BY [Signature]  
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE  
 5 PERCENTAGE OF SALARY USED TO CALCULATE A MEMBER'S SERVICE  
 6 RETIREMENT ALLOWANCE AFTER 15 YEARS OF SERVICE IN THE  
 7 MONTANA JUDGES' RETIREMENT SYSTEM; INCREASING CERTAIN  
 8 DISTRICT COURT FILING FEES TO FUND THE INCREASED RETIREMENT  
 9 BENEFIT; AMENDING SECTIONS 19-5-404, 19-5-502, AND 25-1-201,  
 10 MCA; AND PROVIDING AN EFFECTIVE DATE."

11  
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 19-5-502, MCA, is amended to read:  
 14 "19-5-502. Service retirement allowance. Upon  
 15 retirement from service, a member shall receive a service  
 16 retirement allowance which shall consist of the state  
 17 annuity plus the member's annuity. The member's annuity  
 18 shall be the actuarial equivalent of his aggregate  
 19 contributions at the time of retirement. The state annuity  
 20 shall be in an amount which, when added to the member's  
 21 annuity, will provide a total retirement allowance of 3 1/3%  
 22 per year of his final salary for the first 15 years' service  
 23 and ~~1 1/2~~ 2% per year for each year's service thereafter."

24 Section 2. Section 19-5-404, MCA, is amended to read:  
 25 "19-5-404. Contributions by the state. The state of

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

15 Section 3. 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 from the plaintiff or petitioner, \$25, plus an additional  
 21 fee of \$3; for filing a complaint in intervention, from the  
 22 intervenor, \$25; and for filing a petition for dissolution  
 23 of marriage, an additional fee of \$30;

24 (b) from each defendant or respondent, on his  
 25 appearance, \$15, plus an additional fee of \$3;



-2- INTRODUCED BILL  
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1 (c) on the entry of judgment, from the prevailing  
 2 party, \$10, plus an additional fee of \$3;

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

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

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

7 (g) for administering oath, 25 cents;

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

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

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

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

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

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

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

24 (o) on the filing of the items required in 72-4-303 by  
 25 a domiciliary foreign personal representative of the estate

1 of a nonresident decedent, \$35;

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

4 (2) Except as provided in subsections (3) ~~and (4)~~  
 5 through (5), 32% of all fees collected by the clerk of the  
 6 district court must be deposited in and credited to the  
 7 general fund of the county. The remaining portion of the  
 8 fees must be remitted to the state to be deposited as  
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10 (3) In the case of a fee collected for issuing a  
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16 (4) Of the additional fee for filing a petition for  
 17 dissolution of marriage, \$25 must be deposited in the state  
 18 general fund and \$5 must be deposited in the children's  
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20 (5) The additional fees of \$3 provided for in  
 21 subsections (1)(a) through (1)(c) must be remitted to the  
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23 25-1-201. (Effective January 1, 1990) Fees of clerk of  
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4       NEW SECTION. Section 4. Extension of authority. Any  
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6 to make rules on the subject of the provisions of this act  
7 is extended to the provisions of this act.

8       NEW SECTION. Section 5. Effective date. This act is  
9 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 SB365, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act increasing the percentage of salary used to calculate a member's service retirement allowance after 15 years of service in the Montana Judges' Retirement System; increasing certain District Court filing fees to fund the increased retirement benefit.

ASSUMPTIONS:

1. The present value of the proposed legislation in \$984,933 (PERD figure).
2. Actuarial valuation shows a 3.8% additional contribution rate is required for 40 years to fund the proposed legislation.
3. District Court fees will be increased by \$3.00 to fund the increase.
4. There will be 30,890 fee generating actions in each year. (Supreme Court figures)
5. From assumptions #3 and #4 there will be \$92,670 of revenue generated each year.

FISCAL IMPACT:

	FY88			FY89		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Cost of Judges Retirement from District Court Fees	\$ 641,551	\$ 720,193	\$ 78,642	\$ 641,551	\$ 720,193	\$ 78,642

In addition to District Court fees, the Judges' Retirement System is funded from the general fund, Judges' contribution and Supreme Court fees. These sources are not impacted by the proposed legislation.

*David L. Hunter* DATE *2/24/87*

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

*Joe Mazurek* DATE *2/25/87*

JOE MAZUREK, PRIMARY SPONSOR

Fiscal Note for SB365, as introduced.

*SB 365*

APPROVED BY COMMITTEE  
ON STATE ADMINISTRATION

SENATE BILL NO. 365  
INTRODUCED BY MAZUREK

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE PERCENTAGE OF SALARY USED TO CALCULATE A MEMBER'S SERVICE RETIREMENT ALLOWANCE AFTER 15 YEARS OF SERVICE IN THE MONTANA JUDGES' RETIREMENT SYSTEM; INCREASING CERTAIN DISTRICT COURT FILING FEES TO FUND THE INCREASED RETIREMENT BENEFIT; AMENDING SECTIONS 19-5-404, 19-5-502, AND 25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 19-5-502, MCA, is amended to read:

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

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Montana shall contribute monthly to the fund a sum equal to 6% of the salary of each member. In addition, the clerk of each district court shall transmit 68% of the certain filing fees collected as required under 25-1-201 to the state, which shall first deposit in the fund an amount equal to 31% of the salaries paid to district judges and supreme court justices who are covered by the judges' retirement system and then deposit the balance in the state general fund. Each clerk shall also transmit the additional fees of \$3 \$5 provided for in 25-1-201(1)(a) through (1)(c) to the state for deposit in the fund. The clerk of the supreme court shall pay one-fourth of the fees collected under 3-2-403 to the public employees' retirement division of the department of administration to be credited to the fund."

Section 3. 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, plus an additional fee of \$3 \$5; for filing a complaint in intervention, from the intervenor, \$25; and for filing a petition for dissolution of marriage, an additional fee of \$30;

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8        NEW SECTION. Section 5. Effective date. This act is  
9 effective July 1, 1987.

-End-

STANDING COMMITTEE REPORT

HOUSE

March 17 1987

SB 365 PAGE 2 OF 2

Mr. Speaker: We, the committee on STATE ADMINISTRATION

report SB 365

do pass do not pass be concurred in be not concurred in as amended statement of intent attached

Walter R. Sales Chairman

PAGE 1 OF 2

INCREASE SALARY PERCENTAGE USED TO CALCULATE JUDGES' PENSIONS AFTER 15 YEARS:

1. Title, line 9. Following: "BENEFIT," Insert: "LIMITING A MEMBER'S SERVICE RETIREMENT ALLOWANCE TO 80 PERCENT OF FINAL SALARY;"

2. Page 1, line 23. Following: "thereafter" Insert: ", not to exceed 80% of final salary"

3. Page 2, line 9. Strike: "\$5" Insert: "\$6"

4. Page 2, line 21. Strike: \$5" Insert: "\$6"

5. Page 2, line 25. Strike: \$5" Insert: "\$6"

6. Page 3, line 2. Strike: \$5" Insert: "\$6"

7. Page 4, line 20. Strike: \$5" Insert: "\$6"

8. Page 5, line 3. Strike: \$5" Insert: "\$6"

9. Page 5, line 7. Strike: \$5" Insert: "\$6"

REP. COBB TO CARRY THE BILL

third reading copy (blue color)

10. Page 5, line 9. Strike: "\$5" Insert: "\$6"

11. Page 7, line 1. Strike: \$5" Insert: "\$6"

7076a/C:JEANNE\WP:jj

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