

HOUSE BILL 330

Introduced by Brown, J.

1/21	Introduced
1/23	Referred to Judiciary
1/24	Fiscal Note Requested
1/30	Fiscal Note Received
1/31	Fiscal Note Printed
2/09	Tabled in Committee
2/09	Tabled in Committee

1 House BILL NO. 330  
2 INTRODUCED BY J. Brown  
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING CERTAIN FEES  
5 OF THE DISTRICT COURT; AMENDING SECTION 25-1-201, MCA; AND  
6 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. Fees of clerk of district court. (1) The  
11 clerk of the district court shall collect the following  
12 fees:

13 (a) at the commencement of each action or proceeding,  
14 ~~except--a--petition--for--dissolution--of--marriage,~~ from the  
15 plaintiff or petitioner, ~~\$60;~~ and for filing a complaint in  
16 intervention, from the intervenor, ~~\$60;~~ and for filing a  
17 petition for dissolution of marriage, a fee of \$100;

18 (b) from each defendant or respondent, on his  
19 appearance, ~~\$40~~ \$50;

20 (c) on the entry of judgment, from the prevailing  
21 party, \$25 \$50;

22 (d) for preparing copies of papers on file in his  
23 office, 50 cents per page for the first five pages of each  
24 file, per request, and 25 cents per page thereafter;

25 (e) for each certificate, with seal, \$2;

1 (f) for oath and jurat, with seal, \$1;

2 (g) for search of court records, ~~50-cents~~ \$1 for each  
3 year searched, ~~not-to-exceed-a-total-of-\$25~~;

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

6 (i) for issuing an execution or order of sale on a  
7 foreclosure of a lien, ~~\$2~~ \$10;

8 (j) for transmission of records or files or transfer  
9 of a case to another court, ~~\$5~~ \$10;

10 (k) for filing and entering papers received by  
11 transfer from other courts, \$10;

12 (l) for issuing a marriage license, ~~\$30~~ \$100;

13 (m) 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, ~~\$50~~ \$100, which includes the fee for filing a  
18 will for probate;

19 (n) 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 (o) for filing a declaration of marriage without  
23 solemnization, ~~\$30~~ \$100;

24 (p) for filing a motion for substitution of a judge,  
25 \$100.

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

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

(4) Of the fee for filing a petition for dissolution of marriage, \$75 must be deposited in the state general fund, \$5 must be deposited in the children's trust fund account established by 41-3-702, and \$20 must be deposited in and credited to the general fund of the county.

(5) (a) Before the percentages contained in subsection (2) are applied and the fees deposited in the county general fund or remitted to the state, the clerk of the district court shall deduct from the following fees the amounts indicated:

(i) at the commencement of each action or proceeding, except a petition for dissolution of marriage, and for filing a complaint in intervention as provided in subsection

(1)(a), \$35 \$75;

(ii) from each defendant or respondent, on his appearance, as provided in subsection (1)(b), \$25 \$35;

(iii) on the entry of judgment as provided in subsection (1)(c), \$15 \$35; and

(iv) for search of court records as provided in subsection (1)(g), one-half of the amount charged;

(v) for filing and docketing a transcript or abstract of judgment as provided in subsection (1)(h) and for transmission of records or files to another court as provided in subsection (1)(j), \$5;

(vi) for issuing an execution or order of sale on a foreclosure of a lien as provided in subsection (1)(i), \$8;

(vii) for issuing a marriage license as provided in subsection (1)(l) or filing a declaration of marriage as provided in subsection (1)(o), \$70; and

~~(iv)~~(viii) from the applicant or petitioner, on the filing of an application for probate or for the appointment of a personal representative or on the filing of a petition for appointment of a guardian or conservator, as provided in subsection (1)(m), \$15 \$65.

(b) The clerk of the district court shall deposit the money deducted in subsection (5)(a) in the county general fund for district court operations unless the county has a district court fund. If the county has a district court

1 fund, the money must be deposited in that fund.

2 (6) The fee for filing a motion for substitution of a  
3 judge as provided in subsection (1)(p) must be deposited in  
4 the state general fund."

5 NEW SECTION. **Section 2.** Effective date. [This act] is  
6 effective July 1, 1989.

-End-

## STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB330, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An Act increasing certain fees of the district court; amending Section 25-1-201, MCA; and providing an effective date.

ASSUMPTIONS:

1. Effective July 1, 1989.
2. Ten of the 56 Montana counties do not have district court funds.
3. Total fees collected under 25-1-201, MCA during FY88 were \$1,204,571 excluding marriage license/declaration of marriages and dissolution of marriage. It is assumed the proposed fees will increase revenues by approximately 57% over FY88 actual.
4. There were 6,540 marriage licenses issued in 1987, it is assumed that there will be the same number in each year of the biennium.
5. 100% of the fee increases under 25-1-201, MCA will go to county district court fund or to county general fund for district court operations.

FISCAL IMPACT:

	Current	FY90 Proposed		Current	FY91 Proposed	
<u>Revenue:</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>	<u>Law</u>	<u>Law</u>	<u>Difference</u>
District Court Fees	\$1,400,771	\$2,545,176	\$1,144,405	\$1,400,771	\$2,545,176	\$1,144,405

100% of District Court fee increases will be deposited in county district court fund or county general fund for district court operations.

Ray Shackelford 1/30/89  
RAY SHACKLEFORD, BUDGET DIRECTOR DATE  
OFFICE OF BUDGET AND PROGRAM PLANNING

Jan Brown 1/31/89  
JAN BROWN, PRIMARY SPONSOR DATE

Fiscal Note for HB330, as introduced

**HB 330**