

SENATE BILL NO. 241

INTRODUCED BY MAZUREK, SPAETH, COBB,
BECK, CAMPBELL, O'CONNELL, RASMUSSEN

IN THE SENATE

| | |
|-------------------|--|
| JANUARY 25, 1989 | INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. |
| | FIRST READING. |
| FEBRUARY 6, 1989 | COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED. |
| FEBRUARY 7, 1989 | PRINTING REPORT. |
| FEBRUARY 8, 1989 | ON MOTION, PASS CONSIDERATION UNTIL THE 35TH LEGISLATIVE DAY. |
| FEBRUARY 10, 1989 | ON MOTION, PASS CONSIDERATION UNTIL THE 37TH LEGISLATIVE DAY. |
| FEBRUARY 13, 1989 | SECOND READING, DO PASS. |
| FEBRUARY 14, 1989 | ENGROSSING REPORT. |
| FEBRUARY 15, 1989 | THIRD READING, PASSED. AYES, 49; NOES, 1. |
| | TRANSMITTED TO HOUSE. |

IN THE HOUSE

| | |
|-------------------|--|
| FEBRUARY 15, 1989 | INTRODUCED AND REFERRED TO COMMITTEE ON STATE ADMINISTRATION. |
| FEBRUARY 20, 1989 | FIRST READING. |
| APRIL 6, 1989 | COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED. |
| APRIL 10, 1989 | SECOND READING, CONCURRED IN AS AMENDED. |

APRIL 11, 1989

THIRD READING, CONCURRED IN.
AYES, 75; NOES, 23.

RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 13, 1989

RECEIVED FROM HOUSE.

SECOND READING, AMENDMENTS NOT
CONCURRED IN.

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE HOUSE

APRIL 15, 1989

ON MOTION, FREE CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 18, 1989

FREE CONFERENCE COMMITTEE REPORTED.

APRIL 19, 1989

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT NO. 1 REJECTED.

FREE CONFERENCE COMMITTEE REPORTED.

SECOND READING, FREE CONFERENCE
COMMITTEE REPORT NO. 2 ADOPTED.

ON MOTION, RULES SUSPENDED AND BILL
PLACED ON THIRD READING THIS DAY.

THIRD READING, FREE CONFERENCE
COMMITTEE REPORT NO. 2 ADOPTED.

IN THE HOUSE

APRIL 19, 1989

FREE CONFERENCE COMMITTEE
REPORT NO. 1 REJECTED.

APRIL 20, 1989

FREE CONFERENCE COMMITTEE
REPORT NO. 2 ADOPTED.

IN THE SENATE

APRIL 21, 1989

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1
2 INTRODUCED BY *Senate Bill No. 241*
3 *Robert C. Daxnell* *Bob Beck*

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
5 JUDGES' RETIREMENT SYSTEM; REALLOCATING THE DISTRIBUTION OF
6 DISTRICT COURT FEES TO MAINTAIN THE ACTUARIAL SOUNDNESS OF
7 THE SYSTEM; INCREASING THE PERCENTAGE OF SALARY USED TO
8 CALCULATE A MEMBER'S SERVICE RETIREMENT ALLOWANCE AFTER 15
9 YEARS OF SERVICE IN THE SYSTEM; AMENDING SECTIONS 19-5-404,
10 19-5-502, AND 25-1-201, MCA; AND PROVIDING AN EFFECTIVE
11 DATE."

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

14 **Section 1.** Section 19-5-404, MCA, is amended to read:

15 "19-5-404. Contributions by the state. The state of
16 Montana shall contribute monthly to the fund a sum equal to
17 6% of the salary of each member. In addition, the clerk of
18 each district court shall transmit 68% of certain filing
19 fees as required under 25-1-201(2) and that portion of the
20 fee for filing a petition for dissolution of marriage and a
21 motion for substitution of a judge specified in 25-1-201(4)
22 and (6) to the state, which shall first deposit in the fund
23 an amount equal to 3 1/3% 35.73% of the salaries paid to
24 district judges and supreme court justices who are covered
25 by the judges' retirement system and then deposit the

1 balance in the state general fund. The clerk of the supreme
2 court shall pay one-fourth of the fees collected under
3 3-2-403 to the public employees' retirement division of the
4 department of administration to be credited to the fund."

5 **Section 2.** Section 19-5-502, MCA, is amended to read:

6 "19-5-502. Service retirement allowance. Upon
7 retirement from service, a member shall receive a service
8 retirement allowance which shall consist of the state
9 annuity plus the member's annuity. The member's annuity
10 shall be the actuarial equivalent of his aggregate
11 contributions at the time of retirement. The state annuity
12 shall be in an amount which, when added to the member's
13 annuity, will provide a total retirement allowance of 3 1/3%
14 per year of his final salary for the first 15 years' service
15 and ~~1 1/2%~~ 2% per year for each year's service ~~thereafter~~ after
16 15 years."

17 **Section 3.** Section 25-1-201, MCA, is amended to read:

18 "25-1-201. Fees of clerk of district court. (1) The
19 clerk of the district court shall collect the following
20 fees:

21 (a) at the commencement of each action or proceeding,
22 except a petition for dissolution of marriage, from the
23 plaintiff or petitioner, \$60; for filing a complaint in
24 intervention, from the intervenor, \$60; and for filing a
25 petition for dissolution of marriage, a fee of \$100;

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

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

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

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

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

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

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

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

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

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

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

(m) 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, \$50, which includes the fee for filing a will

for probate;

(n) 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;

(o) for filing a declaration of marriage without solemnization, \$30;

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

(4) Of the fee for filing a petition for dissolution of marriage, \$75 ~~\$40~~ must be deposited in the state general fund, \$35 must be remitted to the state to be deposited as provided in 19-5-404, \$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 and for filing a complaint in intervention as provided in subsection (1)(a), \$35;

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

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

(iv) 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.

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

(6) The fee for filing a motion for substitution of a judge as provided in subsection (1)(p) must be remitted to the state to be deposited in--the-state-general-fund as

provided in 19-5-404."

NEW SECTION. Section 4. Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. Section 5. Effective date. [This act] is 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 SB241, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act generally revising the Judges' Retirement System; reallocating the distribution of district court fees to maintain the actuarial soundness of the system; increasing the percentage of salary used to calculate a member's service retirement allowance after 15 years of service in the system; amending Sections 19-5-404, 19-5-502, and 25-1-201, MCA; and providing an effective date.

ASSUMPTIONS:

1. The actuarial cost of the proposed benefit change is an additional 4.73% of salary. Of this additional cost, 3.44% of salaries would be used to provide for benefits as they accrue in the future; the balance of 1.29% would be used to fund the unfunded liability arising from this change.
2. The cost of the benefit change will be paid by increasing the amount obtained from district court fees. Amounts available each fiscal year over an amount equal to 35.73% of salaries will be used to pay amounts due the retirement trust fund from previous fiscal years.
3. Based on the October 1988 payroll covered by the Judges' Retirement System, the current annualized payroll of covered judges is \$2,073,103. No salary increases are assumed during the next biennium.
4. Revenues provided by current district court fees have been insufficient to pay contributions on a current basis to the trust fund.

Payments due the Judges' Retirement Trust Fund from district court fees:

| | |
|--|--------------|
| FY85 | \$ 26,287.00 |
| FY86 | 77,037.00 |
| FY87 | -0- |
| FY88 (As of 12/31/88) | 74,153.29 |
| FY89 (As of 12/31/88) | 321,330.92 |
| FY89 (Additional anticipated) | 148,306.59 |
| Total anticipated to be due as of 7/1/89 | \$ 647,115 |

Without this bill, amounts due are expected to continue to accrue during the next biennium, totaling at least \$180,000 each year.

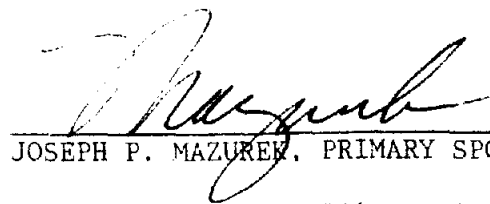
5. A percent of district court fees for dissolution of marriage and judge substitution that are dedicated to the state general fund will be used to fund the increase. The dissolution of marriage fees generated \$408,399 in FY88 and the substitution of judge fee generated \$23,000 in FY88. It is assumed that these amounts will continue for each year of the biennium.



RAY SHACKLEFORD, BUDGET DIRECTOR
OFFICE OF BUDGET AND PROGRAM PLANNING

2/1/89

DATE



JOSEPH P. MAZUREK, PRIMARY SPONSOR

2/2/89

DATE

Fiscal Note for SB241, as introduced

SB 241

6. \$165,940 of district court fees will be re-distributed to the judges retirement fund in each year of the biennium. \$97,058 will be necessary to fund the increase in service credit allowance. The balance, \$67,882, will be used until a current deficit in district court fees is made up and then any excess will revert to the general fund.

| <u>FISCAL IMPACT:</u> | | | | | | |
|-----------------------|------------|-----------------|-------------------|------------|-----------------|-------------------|
| | Current | <u>FY90</u> | | Current | <u>FY91</u> | |
| <u>Revenues:</u> | <u>Law</u> | <u>Proposed</u> | <u>Difference</u> | <u>Law</u> | <u>Proposed</u> | <u>Difference</u> |
| General Fund | | | | | | |
| (District Court | | | | | | |
| Fees) | \$165,940 | \$ -0- | (\$165,940) | \$165,940 | \$ -0- | (\$165,940) |

Effect of Proposed Law on amounts due the Judges' Retirement Trust Fund, each year of the next biennium:

| | Current | Proposed | |
|-------------------|-------------|------------|-------------------|
| | <u>Law</u> | <u>Law</u> | <u>Difference</u> |
| Amount Due 7/1/90 | \$ 827,115 | \$579,233 | (\$247,882) |
| Amount Due 7/1/91 | \$1,007,115 | \$511,351 | (\$495,764) |

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

This bill increases retirement benefits accruing to current members of the Judges' Retirement System, funded by an increased contribution rate. It also proposes to increase funds available for payment of contributions to the retirement system. Without this bill, the amounts due from district court fees to this retirement system are expected to significantly impact the actuarial soundness of the retirement system.

APPROVED BY COMMITTEE
ON JUDICIARY

1 *Amended* BILL NO. *241*
 2 INTRODUCED BY *Phyllis Spauld* *Bob Buck*
 3 *impl. O'Connell* *Re...*

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
 5 JUDGES' RETIREMENT SYSTEM; REALLOCATING THE DISTRIBUTION OF
 6 DISTRICT COURT FEES TO MAINTAIN THE ACTUARIAL SOUNDNESS OF
 7 THE SYSTEM; INCREASING THE PERCENTAGE OF SALARY USED TO
 8 CALCULATE A MEMBER'S SERVICE RETIREMENT ALLOWANCE AFTER 15
 9 YEARS OF SERVICE IN THE SYSTEM; AMENDING SECTIONS 19-5-404,
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 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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15 "19-5-404. Contributions by the state. The state of
 16 Montana shall contribute monthly to the fund a sum equal to
 17 6% of the salary of each member. In addition, the clerk of
 18 each district court shall transmit 68% of certain filing
 19 fees as required under 25-1-201(2) and that portion of the
 20 fee for filing a petition for dissolution of marriage and a
 21 motion for substitution of a judge specified in 25-1-201(4)
 22 and (6) to the state, which shall first deposit in the fund
 23 an amount equal to 31% 35.73% of the salaries paid to
 24 district judges and supreme court justices who are covered
 25 by the judges' retirement system and then deposit the

1 balance in the state general fund. The clerk of the supreme
 2 court shall pay one-fourth of the fees collected under
 3 3-2-403 to the public employees' retirement division of the
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 9 annuity plus the member's annuity. The member's annuity
 10 shall be the actuarial equivalent of his aggregate
 11 contributions at the time of retirement. The state annuity
 12 shall be in an amount which, when added to the member's
 13 annuity, will provide a total retirement allowance of 3 1/3%
 14 per year of his final salary for the first 15 years' service
 15 and 1% 2% per year for each year's service thereafter after
 16 15 years."

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 19 clerk of the district court shall collect the following
 20 fees:

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 22 except a petition for dissolution of marriage, from the
 23 plaintiff or petitioner, \$60; for filing a complaint in
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 25 petition for dissolution of marriage, a fee of \$100;

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

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

(m) 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, \$50, which includes the fee for filing a will

for probate;

(n) 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;

(o) for filing a declaration of marriage without solemnization, \$30;

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(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.

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(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:

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

(6) The fee for filing a motion for substitution of a judge as provided in subsection (1)(p) must be remitted to the state to be deposited in--the-state-general-fund as

provided in 19-5-404."

NEW SECTION. **Section 4. Extension of authority.** Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

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

-End-

INTRODUCED BY

BILL NO. 241

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE JUDGES' RETIREMENT SYSTEM; REALLOCATING THE DISTRIBUTION OF DISTRICT COURT FEES TO MAINTAIN THE ACTUARIAL SOUNDNESS OF THE SYSTEM; INCREASING THE PERCENTAGE OF SALARY USED TO CALCULATE A MEMBER'S SERVICE RETIREMENT ALLOWANCE AFTER 15 YEARS OF SERVICE IN THE SYSTEM; AMENDING SECTIONS 19-5-404, 19-5-502, AND 25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE."

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balance in the state general 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 2. Section 19-5-502, MCA, is amended to read:

"19-5-502. Service retirement allowance. Upon retirement from service, a member shall receive a service retirement allowance which shall consist of the state annuity plus the member's annuity. The member's annuity shall be the actuarial equivalent of his aggregate contributions at the time of retirement. The state annuity shall be in an amount which, when added to the member's annuity, will provide a total retirement allowance of 3 1/3% per year of his final salary for the first 15 years' service and ~~1% 2%~~ per year for each year's service thereafter after 15 years."

Section 3. Section 25-1-201, MCA, is amended to read:

"25-1-201. 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, except a petition for dissolution of marriage, from the plaintiff or petitioner, \$60; for filing a complaint in intervention, from the intervenor, \$60; and for filing a petition for dissolution of marriage, a fee of \$100;

1 (b) from each defendant or respondent, on his
 2 appearance, \$40;

3 (c) on the entry of judgment, from the prevailing
 4 party, \$25;

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

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

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

10 (g) for search of court records, 50 cents for each
 11 year searched, not to exceed a total of \$25;

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 13 or abstract of judgment from all other courts, \$5;

14 (i) for issuing an execution or order of sale on a
 15 foreclosure of a lien, \$2;

16 (j) for transmission of records or files or transfer
 17 of a case to another court, \$5;

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

20 (l) for issuing a marriage license, \$30;

21 (m) on the filing of an application for informal,
 22 formal, or supervised probate or for the appointment of a
 23 personal representative or the filing of a petition for the
 24 appointment of a guardian or conservator, from the applicant
 25 or petitioner, \$50, which includes the fee for filing a will

1 for probate;

2 (n) on the filing of the items required in 72-4-303 by
 3 a domiciliary foreign personal representative of the estate
 4 of a nonresident decedent, \$35;

5 (o) for filing a declaration of marriage without
 6 solemnization, \$30;

7 (p) for filing a motion for substitution of a judge,
 8 \$100.

9 (2) Except as provided in subsections (3) through (6),
 10 32% of all fees collected by the clerk of the district court
 11 must be deposited in and credited to the general fund of the
 12 county. The remaining portion of the fees must be remitted
 13 to the state to be deposited as provided in 19-5-404.

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

20 (4) Of the fee for filing a petition for dissolution
 21 of marriage, \$75 \$40 must be deposited in the state general
 22 fund, \$35 must be remitted to the state to be deposited as
 23 provided in 19-5-404, \$5 must be deposited in the children's
 24 trust fund account established by 41-3-702, and \$20 must be
 25 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:

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(iv) 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.

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

(6) The fee for filing a motion for substitution of a judge as provided in subsection (1)(p) must be remitted to the state to be deposited in--the-state-general-fund as

provided in 19-5-404."

NEW SECTION. **Section 4.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

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

-End-

STANDING COMMITTEE REPORT

April 6, 1989

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that SENATE BILL 241 (third reading copy -- blue) be concurred in as amended.

Signed: Jan Brown
Jan Brown, Chairman

[REP. SPAETH WILL CARRY THIS BILL ON THE HOUSE FLOOR]

And, that such amendments read:

1. Title, line 10.
Strike: "AN"

2. Title, line 11.
Strike: "DATE"
Insert: "DATES"

3. Page 6, line 6.
Strike: "date"
Insert: "dates"
Following: "."
Insert: "(1) Except as provided in subsection (2),"
Strike: "This"
Insert: "this"

4. Page 6.
Following: line 7
Insert: "(2) [Section 2] is effective July 1, 1991."

SB 241
HOUSE

COMMITTEE OF THE WHOLE AMENDMENT
SENATE BILL 241
Representative Roger DeBruycker

April 10, 1989 11:43 am
Page 1 of 1

Mr. Chairman: I move to amend SENATE BILL 241 (third reading copy -- blue).

Signed: Roger DeBruycker
Representative Roger DeBruycker

And, that the following amendment to SENATE BILL 241, as amended by the House Committee on State Administration on April 6, 1989, be adopted:

1. Amend the House State Administration Committee report of April 6, 1989 (green sheet) as follows:

In Insert to No. 4

Following: "(2)"

Insert: "Pending review and approval by the 52nd legislature,"

HOUSE

ADOPT

SB 241

(BW)

REJECT

801142CW.HBV

(2)

Free Conference Committee Report
on SB 241
Report No. 1, April 15, 1989
page 1 of 2

(23)

FREE CONFERENCE COMMITTEE, SB 241
April 15, 1989
page 2 of 2

Mr President and Mr. Speaker:

We, your Free Conference Committee on SB 241 met and considered:

The House Committee of the Whole amendments, offered by Rep. DeBruycker and dated April 10, 1989.

The House Committee on State Administration amendments dated April 6, 1989.

We recommend that:

Rep. DeBruycker's amendment be rejected;

The House Committee on State Administration amendments be accepted, with changes to the effective date; and

that SB 241 (reference copy -- salmon) be amended as follows:

1. Page 1, line 24.

Strike: "35.731"

Insert: "31"

2. Page 2.

Following: line 5

Insert: "Section 2. Section 19-5-404, MCA, is amended to read:
"19-5-404. Contributions by the state. The state of 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 certain filing fees as required under 25-1-201(2) and that portion of the fee for filing a petition for dissolution of marriage and a motion for substitution of a judge specified in 25-1-201 (4) and (6) to the state, which shall first deposit in the fund an amount equal to ~~34~~ 34.71% 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. 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."

Renumber: subsequent sections

3. Page 2, line 16.

Strike: "21"

Insert: "1.785"

4. Page 6, lines 10 and 11.

Following: "~~SECTION~~" on line 10

Strike: "~~PENDING~~" through "~~LEGISLATURE.~~" on line 11

5. Page 6, line 11.

Strike: "~~SECTION~~"

Insert: "Sections"

Following: "2"

Insert: "and 3"

Strike: "~~IS~~"

Insert: "are"

Strike: "~~JULY~~"

Insert: "January"

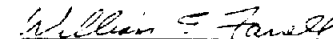
Strike: "~~1991~~"

Insert: "1990"

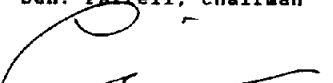
And that this Conference Committee Report be adopted.

FOR THE SENATE

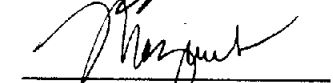
FOR THE HOUSE


Sen. Farrell, Chairman


Rep. Spauth, Chairman


Sen. Crippen


Rep. Dave Brown


Sen. Mazurek


Rep. Marks

ADOPT

REJECT

Free Conference Committee Report
on SB 241
Report No. 2, April 19, 1989
page 1 of 2

Mr President and Mr. Speaker:

We, your Free Conference Committee on SB 241 met and considered:

The House Committee of the Whole amendments, offered by Rep. DeBruycker and dated April 10, 1989.

The House Committee on State Administration amendments dated April 6, 1989.

We recommend that:

Rep. DeBruycker's amendment be rejected;

The House Committee on State Administration amendments be accepted with a review provision added;

That the service credit be reduced from 2½ to 1.785½; and

that SB 241 (reference copy -- salmon) be amended as follows:

1. Page 1, line 24.
Strike: "35.73½"
Insert: "31½"

2. Page 2.
Following: line 5
Insert: "Section 2. Section 19-5-404, MCA, is amended to read:
"19-5-404. Contributions by the state. The state of Montana shall contribute monthly to the fund a sum equal to 6½ of the salary of each member. In addition, the clerk of each district court shall transmit 68½ of certain filing fees as required under 25-1-201(2) and that portion of the fee for filing a petition for dissolution of marriage and a motion for substitution of a judge specified in 25-1-201 (4) and (6) to the state, which shall first deposit in the fund an amount equal to 3½ 34.71½ 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. 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."
Renumber: subsequent sections

continued

fccsb241.415

FREE CONFERENCE COMMITTEE, SB 241
April 15, 1989
page 2 of 2

3. Page 2, line 16.
Strike: "2½"
Insert: "1.785½"


4. Page 6, line 3.
Following: line 2
Insert: "NEW SECTION. Section 5. Review of actuarial valuation. The public employees retirement board shall provide to the 52nd legislature, by January 10, 1991, a copy of the most current actuarial valuation of the judges' retirement system. The legislature shall review the actuarial soundness of the judges' retirement system and the 52nd legislature may eliminate or modify the effect of [this act]."
Renumber: subsequent sections


5. Page 6, lines 10 and 11.
Following: "SECTION" on line 10
Strike: "PENDING" through "LEGISLATURE." on line 11

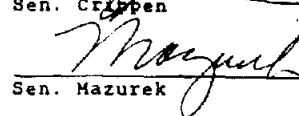
6. Page 6, line 11.
Strike: "SECTION"
Insert: "Sections"
Following: "2"
Insert: "and 3"
Strike: "IS"
Insert: "are"

And that this Conference Committee Report be adopted.

FOR THE SENATE


Sen. Farrell, Chairman



Sen. Crispin


Sen. Mazurek

ADOPT

REJECT

FOR THE HOUSE


Rep. Spaeth, Chairman


Rep. Dave Brown


Rep. Marks

SB 241
fccsb241.415
#2

SENATE BILL NO. 241

INTRODUCED BY MAZUREK, SPAETH, COBB,

BECK, CAMPBELL, O'CONNELL, RASMUSSEN

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE JUDGES' RETIREMENT SYSTEM; REALLOCATING THE DISTRIBUTION OF DISTRICT COURT FEES TO MAINTAIN THE ACTUARIAL SOUNDNESS OF THE SYSTEM; INCREASING THE PERCENTAGE OF SALARY USED TO CALCULATE A MEMBER'S SERVICE RETIREMENT ALLOWANCE AFTER 15 YEARS OF SERVICE IN THE SYSTEM; AMENDING SECTIONS 19-5-404, 19-5-502, AND 25-1-201, MCA; AND PROVIDING AN EFFECTIVE DATE DATES."

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

Section 1. Section 19-5-404, MCA, is amended to read:

"19-5-404. Contributions by the state. The state of 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 certain filing fees as required under 25-1-201(2) and that portion of the fee for filing a petition for dissolution of marriage and a motion for substitution of a judge specified in 25-1-201(4) and (6) to the state, which shall first deposit in the fund an amount equal to 31% ~~35.73%~~ 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. 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 2. SECTION 19-5-404, MCA, IS AMENDED TO READ:

"19-5-404. Contributions by the state. The state of 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 certain filing fees as required under 25-1-201(2) and that portion of the fee for filing a petition for dissolution of marriage and a motion for substitution of a judge specified in 25-1-201(4) and (6)] to the state, which shall first deposit in the fund an amount equal to 31% ~~34.71%~~ 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. 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 19-5-502, MCA, is amended to read:

"19-5-502. Service retirement allowance. Upon retirement from service, a member shall receive a service retirement allowance which shall consist of the state

annuity plus the member's annuity. The member's annuity shall be the actuarial equivalent of his aggregate contributions at the time of retirement. The state annuity shall be in an amount which, when added to the member's annuity, will provide a total retirement allowance of 3 1/3% per year of his final salary for the first 15 years' service and ~~1% 2%~~ 1.785% per year for each year's service ~~thereafter~~ after 15 years."

Section 4. Section 25-1-201, MCA, is amended to read:

"25-1-201. 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, except a petition for dissolution of marriage, from the plaintiff or petitioner, \$60; for filing a complaint in intervention, from the intervenor, \$60; and for filing a petition for dissolution of marriage, a fee of \$100;

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

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

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

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

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

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

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

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

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

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

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

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

(n) 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;

(o) for filing a declaration of marriage without solemnization, \$30;

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

(4) Of the fee for filing a petition for dissolution of marriage, \$75 \$40 must be deposited in the state general fund, \$35 must be remitted to the state to be deposited as provided in 19-5-404, \$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 and for filing a complaint in intervention as provided in subsection (1)(a), \$35;

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

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

(iv) 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.

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

(6) The fee for filing a motion for substitution of a judge as provided in subsection (1)(p) must be remitted to the state to be deposited in--the-state-general-fund as provided in 19-5-404."

NEW SECTION. SECTION 5. REVIEW OF ACTUARIAL VALUATION. THE PUBLIC EMPLOYEES RETIREMENT BOARD SHALL PROVIDE TO THE 52ND LEGISLATURE, BY JANUARY 10, 1991, A COPY OF THE MOST CURRENT ACTUARIAL VALUATION OF THE JUDGES' RETIREMENT SYSTEM. THE LEGISLATURE SHALL REVIEW THE ACTUARIAL SOUNDNESS OF THE JUDGES' RETIREMENT SYSTEM, AND THE 52ND LEGISLATURE MAY ELIMINATE OR MODIFY THE EFFECT OF

SB 0241/03

1 [THIS ACT].

2 NEW SECTION. Section 6. Extension of authority. Any
3 existing authority to make rules on the subject of the
4 provisions of [this act] is extended to the provisions of
5 [this act].

6 NEW SECTION. Section 7. Effective date DATES. (1)
7 EXCEPT AS PROVIDED IN SUBSECTION (2), [This THIS act] is
8 effective July 1, 1989.

9 (2) {SECTION PENDING--REVIEW-AND-APPROVAL-BY-THE-52ND
10 LEGISLATURE, [SECTION SECTIONS 2 AND 3] IS ARE EFFECTIVE
11 JULY 1, 1991.

-End