

HOUSE BILL NO. 555
INTRODUCED BY PAVLOVICH

IN THE HOUSE

FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 17, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 18, 1993	PRINTING REPORT.
FEBRUARY 19, 1993	SECOND READING, DO PASS.
FEBRUARY 20, 1993	ENGROSSING REPORT.
FEBRUARY 22, 1993	THIRD READING, PASSED. AYES, 93; NOES, 5.
FEBRUARY 23, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 12, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
	ON MOTION, REREFERRED TO COMMITTEE ON TAXATION.
APRIL 3, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
APRIL 12, 1993	SECOND READING, CONCURRED IN.
APRIL 13, 1993	THIRD READING, CONCURRED IN. AYES, 34; NOES, 15.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 15, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 16, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

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INTRODUCED BY

House
*Carbunk*BILL NO. 555

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE FEES CHARGED BY THE CLERK OF THE DISTRICT COURT; INCREASING THE FEES FOR FILING A PETITION FOR JUDICIAL DETERMINATION OF BIRTHDATE AND THE ENTRY OF THE JUDGMENT; REQUIRING GOVERNMENTAL ENTITIES TO PAY FOR CERTIFICATIONS; CLARIFYING DISTRIBUTION OF FEES FOR ENTRY OF JUDGMENT AND ISSUANCE OF AN EXECUTION OR ORDER OF SALE ON A FORECLOSURE OF A LIEN; INCREASING THE FEE FOR FILING AND DOCKETING A TRANSCRIPT OF JUDGMENT OR TRANSCRIPT OF THE DOCKET; AMENDING SECTIONS 25-1-201, 25-10-405, AND 27-32-104, MCA; AND PROVIDING AN EFFECTIVE DATE."

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. 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, \$80; for filing a complaint in intervention, from the intervenor, \$80; for filing a petition for dissolution of marriage, a fee of \$120; and for

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filing a petition for legal separation, a fee of \$120;

(b) from each defendant or respondent, on his appearance, \$60;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) for preparing copies of papers on file in his the clerk's office, 50 cents per page for the first five pages of each file, per request, and 25 cents per additional 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~~ transcript of the docket from all other courts, \$25 the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(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,

1 formal, or supervised probate or for the appointment of a
2 personal representative or the filing of a petition for the
3 appointment of a guardian or conservator, from the applicant
4 or petitioner, \$70, which includes the fee for filing a will
5 for probate;

6 (n) on the filing of the items required in 72-4-303 by
7 a domiciliary foreign personal representative of the estate
8 of a nonresident decedent, \$55;

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

11 (p) for filing a motion for substitution of a judge,
12 \$100.

13 (2) Except as provided in subsections (3) through (8),
14 32% of all fees collected by the clerk of the district court
15 must be deposited in and credited to the district court
16 fund. If no district court fund exists, that portion of the
17 fees must be deposited in the general fund for district
18 court operations. The remaining portion of the fees must be
19 remitted to the state to be deposited as provided in
20 19-5-404.

21 (3) In the case of a fee collected for issuing a
22 marriage license or filing a declaration of marriage without
23 solemnization, \$14 must be deposited in and credited to the
24 state general fund, \$6.40 must be deposited in and credited
25 to the county general fund, and \$9.60 must be remitted to

1 the state to be deposited as provided in 19-5-404.

2 (4) Of the fee for filing a petition for dissolution of
3 marriage or legal separation, \$40 must be deposited in the
4 state general fund, \$35 must be remitted to the state to be
5 deposited as provided in 19-5-404, \$5 must be deposited in
6 the children's trust fund account established by 41-3-702,
7 and \$20 must be deposited in and credited to the district
8 court fund. If no district court fund exists, the \$20 must
9 be deposited in the general fund for district court
10 operations.

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

16 (i) at the commencement of each action or proceeding
17 and for filing a complaint in intervention as provided in
18 subsection (1)(a), \$35;

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

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

23 ~~(iv) on the entry of judgment as provided in subsection~~
24 ~~(1)(h) \$20~~

25 ~~(v) for issuing an execution or order of sale as~~

~~provided in subsection (i)(i)-§37-and~~

~~(v)(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 as provided in 19-5-404.

(7) Fees collected under subsections (1)(d) through (1)(i) must be deposited in the district court fund. If no district court fund exists, fees must be deposited in the general fund for district court operations.

(8) The clerk of the district court shall remit to the credit of the state general fund \$20 of each fee collected under the provisions of subsections (1)(a) through (1)(c), (1)(m), and (1)(n) to fund a portion of judicial salaries."

Section 2. Section 25-10-405, MCA, is amended to read:

"25-10-405. Governmental entities not required to prepay fees -- exceptions. The state, a county, a

municipality, or any subdivision thereof or any officer when prosecuting or defending an action on behalf of the state, a county, a municipality, or a subdivision thereof is not required to pay or deposit any fee or amount to or with any officer during the prosecution or defense of an action, except the fee under 25-1-201(1)(p) for filing a motion for substitution of a judge and all fees for photocopies, postage and handling, certifications, authentications, and record searches."

Section 3. Section 27-32-104, MCA, is amended to read:

"27-32-104. **Fees.** The petitioner, upon the filing of the petition, must shall pay to the clerk of court a the fee of-\$1 for commencing an action, as provided for in 25-1-201, and upon the entry of judgment, the applicant must shall pay to the clerk of court an additional fee of-\$1 for entry of judgment, as provided for in 25-1-201. No A charge shall may not be made for posting of the notices required hereunder under this part. If the applicant shall-provide provides a true copy of the judgment rendered, then the clerk of court must shall certify the same copy without additional charge."

NEW SECTION. Section 4. Effective date. [This act] is effective July 1, 1993.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0555, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: Generally revises the fees charged by the Clerk of the District Court; increases the fees for filing a petition for judicial determination of birthdate and the entry of the judgment; requires governmental entities to pay for certifications.

ASSUMPTIONS:

Department of Family Services (DFS)

1. The bill would require government entities to pay the \$2 fee for each certification, with seal, which is currently an exempt fee.
2. The department is required to have certified copies, with a seal, for each case hearing.
3. The department must furnish a certified copy to each parent, guardian, state, tribe, and hospital or other facility for each child committed to the department's custody. Each court hearing concerning the department must have five (5) certified copies completed.
4. The estimated number of children committed to the department's custody is based on FY92 actual numbers of 4,860.
5. The department is allowed to list all children from one family on one certified copy. The national average of 2.3 children per household is used to estimate the number of copies needed ($4,860 / 2.3 = 2,113$ copies needed to address all the families).
6. Each family can have 3 to 4 hearings a year. ($2,113 \text{ families} * 4 \text{ hearings a year} * 5 \text{ copies for the required distribution} = 84,520 \text{ certified copies needed} * \$2 = \$169,040$).
7. This bill would not generate any revenue for the department.
8. Federal funds cannot be used to pay the costs for these certified copies.

Department of Social and Rehabilitation Services


9. There is no significant fiscal impact to the Child Support Enforcement Division (CSED).

Revenue Impact

10. The impact on state and local revenue cannot be completely estimated due to incomplete data. The revenue impact of the additional fees estimated to be paid by the Department of Family Services is allocated 68% general fund and 32% county district court funds. The FY92 general fund revenue from 68% of various district court fees amounted to \$301,270 (per State Treasurer's Office county collection reports).

(continued)

 2-15-93
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 2-16-93
ROBERT "BOB" PAVLOVICH, PRIMARY SPONSOR DATE

Fiscal Note for HB0555, as introduced

#B555

FISCAL IMPACT: Department of Family Services-Community & Protective Service Program:

	<u>FY94</u>			<u>FY95</u>		
<u>Expenditures:</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
FTE	19.00	19.00	0.00	19.00	19.00	0.00
Personal Services	733,960	733,960	0	735,187	735,187	0
Operating Expenses	526,043	695,083	169,040	527,962	697,002	169,040
Grants	1,066,873	1,066,873	0	1,066,168	1,066,168	0
Benefits and Claims	<u>25,024,435</u>	<u>25,024,435</u>	<u>0</u>	<u>26,026,701</u>	<u>26,026,701</u>	<u>0</u>
Total	27,351,311	27,520,351	169,040	28,356,018	28,525,058	169,040
<u>Funding:</u>						
General Fund	20,329,041	20,498,081	169,040	21,337,975	21,507,015	169,040
State Special	1,965,703	1,965,703	0	1,965,820	1,965,820	0
Federal Special	<u>5,056,567</u>	<u>5,056,567</u>	<u>0</u>	<u>5,052,223</u>	<u>5,052,223</u>	<u>0</u>
Total	27,351,311	27,520,351	169,040	28,356,018	28,525,058	169,040
<u>Revenue:</u>						
General Fund (68% dist.court fees)	301,270	416,217	114,947	301,270	416,217	114,947
Counties (32% district court fees)	<u>141,774</u>	<u>195,867</u>	<u>54,093</u>	<u>141,774</u>	<u>195,867</u>	<u>54,093</u>
Total	443,044	612,084	169,040	443,044	612,084	169,040
Net Impact to General Fund (DFS certificate fees)			(54,093)			(54,093)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

County revenue for district court funds is estimated to increase by an amount which is not subject to accurate estimate base upon available data. The revenue increase reflected in the table above is attributable to only the estimated increase in certificate fees to be paid by the Department of Family Services.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Based on the increase in foster care children over the last four years, the Department of Family Services expects the number of court hearings, the accompanying number of certified documents, and total certificate fees to increase.

APPROVED BY COMMITTEE
ON JUDICIARYHOUSE BILL NO. 555
INTRODUCED BY PAVLOVICH

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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. 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, \$80; for filing a complaint in intervention, from the intervenor, \$80; for filing a petition for dissolution of marriage, a fee of \$120; and for

filing a petition for legal separation, a fee of \$120;

(b) from each defendant or respondent, on his appearance, \$60;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) for preparing copies of papers on file in his the clerk's office, 50 cents per page for the first five pages of each file, per request, and 25 cents per additional 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~~ transcript of the docket from all other courts, ~~\$25~~ the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(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,

1 formal, or supervised probate or for the appointment of a
2 personal representative or the filing of a petition for the
3 appointment of a guardian or conservator, from the applicant
4 or petitioner, \$70, which includes the fee for filing a will
5 for probate;

6 (n) on the filing of the items required in 72-4-303 by
7 a domiciliary foreign personal representative of the estate
8 of a nonresident decedent, \$55;

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

11 (p) for filing a motion for substitution of a judge,
12 \$100.

13 (2) Except as provided in subsections (3) through (8),
14 32% of all fees collected by the clerk of the district court
15 must be deposited in and credited to the district court
16 fund. If no district court fund exists, that portion of the
17 fees must be deposited in the general fund for district
18 court operations. The remaining portion of the fees must be
19 remitted to the state to be deposited as provided in
20 19-5-404.

21 (3) In the case of a fee collected for issuing a
22 marriage license or filing a declaration of marriage without
23 solemnization, \$14 must be deposited in and credited to the
24 state general fund, \$6.40 must be deposited in and credited
25 to the county general fund, and \$9.60 must be remitted to

1 the state to be deposited as provided in 19-5-404.

2 (4) Of the fee for filing a petition for dissolution of
3 marriage or legal separation, \$40 must be deposited in the
4 state general fund, \$35 must be remitted to the state to be
5 deposited as provided in 19-5-404, \$5 must be deposited in
6 the children's trust fund account established by 41-3-702,
7 and \$20 must be deposited in and credited to the district
8 court fund. If no district court fund exists, the \$20 must
9 be deposited in the general fund for district court
10 operations.

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

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17 and for filing a complaint in intervention as provided in
18 subsection (1)(a), \$35;

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

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

23 ~~(iv) on the entry of judgment as provided in subsection~~
24 ~~(1)(h), \$20;~~

25 ~~(v) for issuing an execution or order of sale as~~

~~provided in subsection (1)(i), \$3, 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 as provided in 19-5-404.

(7) Fees collected under subsections (1)(d) through (1)(i) must be deposited in the district court fund. If no district court fund exists, fees must be deposited in the general fund for district court operations.

(8) The clerk of the district court shall remit to the credit of the state general fund \$20 of each fee collected under the provisions of subsections (1)(a) through (1)(c), (1)(m), and (1)(n) to fund a portion of judicial salaries."

~~Section 2. Section 25-10-405, MCA, is amended to read:~~

~~"25-10-405. Governmental entities not required to prepay fees-----exceptions. The state, a county, a~~

~~municipality, or any subdivision thereof or any officer when prosecuting or defending an action on behalf of the state, a county, a municipality, or a subdivision thereof is not required to pay or deposit any fee or amount to or with any officer during the prosecution or defense of an action, except the fee under 25-1-201(i)(p) for filing a motion for substitution of a judge and all fees for photocopies, postage and handling, certifications, authentications, and record searches."~~

Section 2. Section 27-32-104, MCA, is amended to read:

"27-32-104. **Fees.** The petitioner, upon the filing of the petition, must shall pay to the clerk of court a the fee of \$1 for commencing an action, as provided for in 25-1-201, and upon the entry of judgment, the applicant must shall pay to the clerk of court an additional fee of \$1 for entry of judgment, as provided for in 25-1-201. No A charge shall may not be made for posting of the notices required hereunder under this part. If the applicant shall provide provides a true copy of the judgment rendered, then the clerk of court must shall certify the same copy without additional charge."

NEW SECTION. Section 3. Effective date. [This act] is effective July 1, 1993.

-End-

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23 ~~(iv) on the entry of judgment as provided in subsection~~
24 ~~(1)(d), \$20;~~

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~~provided in subsection (1)(i), §3, and~~

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-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 10, 1993

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 555 (first reading copy -- blue), respectfully report that House Bill No. 555 be amended as follows and as so amended be concurred in.

Signed: Wm. Yellowtail
Senator William "Bill" Yellowtail, Chair

That such amendments read:

1. Title, line 8.

Following: "CERTIFICATIONS,"

Insert: "REQUIRING GOVERNMENTAL ENTITIES TO PAY FOR
CERTIFICATIONS;"

2. Title, line 13.

Following: "~~25-10-405~~,"

Insert: ", 25-10-405,"

3. Page 6.

Following: line 9

Insert: "Section 2. Section 25-10-405, MCA, is amended to read:

"25-10-405. Governmental entities not required to prepay fees -- exceptions. The state, a county, a municipality, or any subdivision thereof or any officer when prosecuting or defending an action on behalf of the state, a county, a municipality, or a subdivision thereof is not required to pay or deposit any fee or amount to or with any officer during the prosecution or defense of an action, except the fee under 25-1-201(1)(p) for filing a motion for substitution of a judge and all fees for photocopies, postage and handling, certifications, authentications, and record searches.""

Renumber: subsequent sections

-END-

SENATE

m- Amd. Coord.
Sec. of Senate

Lynch
Senator Carrying Bill

HB 555
541201SC.Sma

HOUSE BILL NO. 555
INTRODUCED BY PAVLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE FEES CHARGED BY THE CLERK OF THE DISTRICT COURT; INCREASING THE FEES FOR FILING A PETITION FOR JUDICIAL DETERMINATION OF BIRTHDATE AND THE ENTRY OF THE JUDGMENT; REQUIRING GOVERNMENTAL--ENTITIES--TO--PAY--FOR--CERTIFICATIONS; REQUIRING GOVERNMENTAL ENTITIES TO PAY FOR CERTIFICATIONS; CLARIFYING DISTRIBUTION OF FEES FOR ENTRY OF JUDGMENT AND ISSUANCE OF AN EXECUTION OR ORDER OF SALE ON A FORECLOSURE OF A LIEN; INCREASING THE FEE FOR FILING AND DOCKETING A TRANSCRIPT OF JUDGMENT OR TRANSCRIPT OF THE DOCKET; AMENDING SECTIONS 25-1-201, ~~25-10-405~~, 25-10-405, AND 27-32-104, MCA; AND PROVIDING AN EFFECTIVE DATE."

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. 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, \$80; for filing a complaint in intervention, from the intervenor, \$80; for filing a

petition for dissolution of marriage, a fee of \$120; and for filing a petition for legal separation, a fee of \$120;

(b) from each defendant or respondent, on his appearance, \$60;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) for preparing copies of papers on file in his the clerk's office, 50 cents per page for the first five pages of each file, per request, and 25 cents per additional 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 transcript of the docket from all other courts, \$25 the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(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;

1 (m) on the filing of an application for informal,
2 formal, or supervised probate or for the appointment of a
3 personal representative or the filing of a petition for the
4 appointment of a guardian or conservator, from the applicant
5 or petitioner, \$70, which includes the fee for filing a will
6 for probate;

7 (n) on the filing of the items required in 72-4-303 by
8 a domiciliary foreign personal representative of the estate
9 of a nonresident decedent, \$55;

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

12 (p) for filing a motion for substitution of a judge,
13 \$100.

14 (2) Except as provided in subsections (3) through (8),
15 32% of all fees collected by the clerk of the district court
16 must be deposited in and credited to the district court
17 fund. If no district court fund exists, that portion of the
18 fees must be deposited in the general fund for district
19 court operations. The remaining portion of the fees must be
20 remitted to the state to be deposited as provided in
21 19-5-404.

22 (3) In the case of a fee collected for issuing a
23 marriage license or filing a declaration of marriage without
24 solemnization, \$14 must be deposited in and credited to the
25 state general fund, \$6.40 must be deposited in and credited

1 to the county general fund, and \$9.60 must be remitted to
2 the state to be deposited as provided in 19-5-404.

3 (4) Of the fee for filing a petition for dissolution of
4 marriage or legal separation, \$40 must be deposited in the
5 state general fund, \$35 must be remitted to the state to be
6 deposited as provided in 19-5-404, \$5 must be deposited in
7 the children's trust fund account established by 41-3-702,
8 and \$20 must be deposited in and credited to the district
9 court fund. If no district court fund exists, the \$20 must
10 be deposited in the general fund for district court
11 operations.

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

17 (i) at the commencement of each action or proceeding
18 and for filing a complaint in intervention as provided in
19 subsection (1)(a), \$35;

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

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

24 ~~(iv) on the entry of judgment as provided in subsection~~
25 ~~(1)(h), \$20;~~

~~{v}~~--for--issuing--an--execution--or--order--of--sale--as
provided-in-subsection-(1)(1),-§37-and

~~{v}~~~~i~~~~(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 as provided in 19-5-404.

(7) Fees collected under subsections (1)(d) through
(1)(i) must be deposited in the district court fund. If no
district court fund exists, fees must be deposited in the
general fund for district court operations.

(8) The clerk of the district court shall remit to the
credit of the state general fund \$20 of each fee collected
under the provisions of subsections (1)(a) through (1)(c),
(1)(m), and (1)(n) to fund a portion of judicial salaries."

Section 2.--Section 25-10-405, MCA, is amended to read:--

"25-10-405.--Governmental--entities--not--required--to

prepay--fees-----exceptions.--The--state,---a---county,---a
municipality,--or--any--subdivision--thereof--or--any--officer--when
prosecuting--or--defending--an--action--on--behalf--of--the--state,--a
county,--a--municipality,--or--a--subdivision--thereof--is--not
required--to--pay--or--deposit--any--fee--or--amount--to--or--with--any
officer--during--the--prosecution--or--defense--of--an--action,
except--the--fee--under--25-1-201(1)(p)--for--filing--a--motion--for
substitution--of--a--judge--and--all--fees--for--photocopies,
postage--and--handling,--certifications,--authentications,--and
record--searches."

SECTION 2. SECTION 25-10-405, MCA, IS AMENDED TO READ:

"25-10-405. Governmental entities not required to
prepay fees -- exceptions. The state, a county, a
municipality, or any subdivision thereof or any officer when
prosecuting or defending an action on behalf of the state, a
county, a municipality, or a subdivision thereof is not
required to pay or deposit any fee or amount to or with any
officer during the prosecution or defense of an action,
except the fee under 25-1-201(1)(p) for filing a motion for
substitution of a judge and all fees for photocopies,
postage and handling, certifications, authentications, and
record searches."

Section 3. Section 27-32-104, MCA, is amended to read:

"27-32-104. Fees. The petitioner, upon the filing of
the petition, must shall pay to the clerk of court a the fee

1 ~~of-\$1~~ for commencing an action, as provided for in 25-1-201,
 2 and upon the entry of judgment, the applicant ~~must~~ shall pay
 3 to the clerk of court an additional fee ~~of-\$1~~ for entry of
 4 judgment, as provided for in 25-1-201. No A charge shall may
 5 not be made for posting of the notices required hereunder
 6 under this part. If the applicant shall-provide provides a
 7 true copy of the judgment rendered, then the clerk of court
 8 ~~must~~ shall certify the ~~same~~ copy without additional charge."
 9 NEW SECTION. Section 4. Effective date. [This act] is
 10 effective July 1, 1993.

-End-