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House BILL NO. 143  
*Paul Shea* *Julius Marahan*

INTRODUCED BY

BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

*Spencer Hampton* *Tash*

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNTIES TO ESTABLISH A FUND FOR DISTRICT COURT RECORDS RETENTION, PRESERVATION, AND TECHNOLOGY; CLARIFYING THE DISPOSITION OF DISTRICT COURT FEES; RAISING CERTAIN DISTRICT COURT FEES; PROVIDING THAT THE INCREASE IN CERTAIN FEES BE DEPOSITED IN THE COUNTY FUND FOR DISTRICT COURT RECORDS RETENTION, PRESERVATION, AND TECHNOLOGY; REQUIRING THAT A PORTION OF THE FEE FOR ISSUING A MARRIAGE LICENSE OR FOR FILING A DECLARATION OF MARRIAGE BE USED BY THE COUNTY FOR DISTRICT COURT FUNDING; AMENDING SECTIONS 19-5-404, 25-1-201, AND 25-10-405, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Fund for district court records retention, preservation, and technology.**

(1) The governing body of each county shall establish a fund for district court records retention, preservation, and technology.

(2) The clerk of the district court is responsible for expenditures from the fund and shall use the money for expenses related to the maintenance of district court records.

(3) Money in the fund that is unexpended at the end of each fiscal year must remain in the fund to meet future needs.

**Section 2. 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~~ \$85;

(b) for filing a complaint in intervention, from the intervenor, ~~\$80~~ \$85;

(c) for filing a petition for dissolution of marriage, a fee of ~~\$120~~ \$125; and



*HB143*  
INTRODUCED BILL

- 1           (d) for filing a petition for legal separation, a fee of ~~\$120~~ \$125;
- 2           ~~(b)~~(e) from each defendant or respondent, on appearance, ~~\$60~~ \$65;
- 3           ~~(e)~~(f) on the entry of judgment, from the prevailing party, \$45;
- 4           ~~(d)~~(g) for preparing copies of papers on file in the clerk's office, 50 cents per page for the first five
- 5 pages of each file, per request, and 25 cents per additional page;
- 6           ~~(e)~~(h) for each certificate, with seal, \$2;
- 7           ~~(f)~~(i) for oath and jurat, with seal, \$1;
- 8           ~~(g)~~(j) for search of court records, 50 cents for each year searched, not to exceed a total of \$25;
- 9           ~~(h)~~(k) for filing and docketing a transcript of judgment or transcript of the docket from all other
- 10 courts, the fee for entry of judgment provided for in subsection ~~(1)(e)~~ (1)(f);
- 11           ~~(i)~~(l) for issuing an execution or order of sale on a foreclosure of a lien, \$5;
- 12           ~~(j)~~(m) for transmission of records or files or transfer of a case to another court, ~~\$6~~ \$25;
- 13           ~~(k)~~(n) for filing and entering papers received by transfer from other courts, ~~\$10~~ \$30;
- 14           ~~(l)~~(o) for issuing a marriage license, \$30;
- 15           ~~(m)~~(p) on the filing of an application for informal, formal, or supervised probate or for the
- 16 appointment of a personal representative or the filing of a petition for the appointment of a guardian or
- 17 conservator, from the applicant or petitioner, ~~\$70~~ \$75, which includes the fee for filing a will for probate;
- 18           ~~(n)~~(q) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative
- 19 of the estate of a nonresident decedent, \$55;
- 20           ~~(e)~~(r) for filing a declaration of marriage without solemnization, \$30;
- 21           ~~(f)~~(s) for filing a motion for substitution of a judge, \$100.
- 22           (2) ~~Except as provided in subsections (3) through (8), 32% Thirty-two percent~~ Thirty-two percent of all fees collected
- 23 by the clerk of the district court under subsections (1)(m) and (1)(n) must be deposited in and credited to
- 24 the county district court fund. If no county district court fund exists, that portion of the fees must be
- 25 deposited in the county general fund for district court operations. The remaining portion of the fees must
- 26 be remitted to the state to be deposited as provided in 19-5-404.
- 27           (3) In the case of a fee collected for issuing a marriage license under subsection (1)(o) or filing a
- 28 declaration of marriage without solemnization, under subsection (1)(r):
- 29           (a) \$14 must be deposited in and credited to the state general fund;
- 30           (b) \$6.40 must be deposited in and credited to the county ~~general~~ district court fund. If no county

1 district court fund exists, the money must be deposited in the county general fund for district court  
 2 operations, and

3 (c) \$9.60 must be remitted to the state to be deposited as provided in 19-5-404.

4 (4) Of the fee for filing a petition for dissolution of marriage under subsection (1)(c) or legal  
 5 separation under subsection (1)(d):

6 (a) \$40 must be deposited in the state general fund;

7 (b) \$35 must be remitted to the state to be deposited as provided in 19-5-404;

8 (c) \$5 must be deposited in the children's trust fund account established by 41-3-702, and;

9 (d) \$20 must be deposited in and credited to the county district court fund. If no county district  
 10 court fund exists, the \$20 must be deposited in the county general fund for district court operations;

11 (e) \$20 must be remitted to the state for deposit in the state general fund for a portion of judicial  
 12 salaries; and

13 (f) \$5 must be deposited in the fund established in [section 1] for district court records.

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

17 ~~(i) Of the fee collected at the commencement of each action or proceeding under subsection (1)(a)~~  
 18 ~~and for filing a complaint in intervention as provided in subsection (1)(a), (1)(b):~~

19 ~~(a) \$35; must be deposited in the county district court fund. If no county district court fund exists,~~  
 20 ~~the money must be deposited in the county general fund for district court operations.~~

21 ~~(b) \$20 must be remitted to the state for deposit in the state general fund for a portion of judicial~~  
 22 ~~salaries;~~

23 ~~(c) \$5 must be deposited in the fund established in [section 1] for district court records; and~~

24 ~~(d) the balance of the fee must be deposited in the same manner as the fees listed in subsection~~  
 25 ~~(2).~~

26 ~~(ii)(6) Of the fee collected from each defendant or respondent, on appearance, as provided in~~  
 27 ~~subsection (1)(b), (1)(e):~~

28 ~~(a) \$25 must be deposited in the county district court fund. If no county district court fund exists,~~  
 29 ~~the money must be deposited in the county general fund for district court operations;~~

30 ~~(b) \$5 must be deposited in the fund established in [section 1] for district court records; and~~

1 (c) the balance of the fee must be deposited in the same manner as the fees listed in subsection  
 2 (2).

3 ~~(iii)~~(7) Of the fee collected on the entry of judgment as provided in subsection ~~(1)(e)~~,(1)(f):

4 (a) \$15 must be deposited in the county district court fund. If no county district court fund exists,  
 5 the money must be deposited to the county general fund for district court operations.

6 (b) \$20 must be remitted to the state for deposit in the state general fund for a portion of judicial  
 7 salaries; and

8 (c) the balance of the fee must be deposited in the same manner as the fees listed in subsection  
 9 (2).

10 ~~(iv)~~(8) Of the amount collected from the applicant or petitioner, on the filing of an application for  
 11 probate or for the appointment of a personal representative or on the filing of a petition for appointment  
 12 of a guardian or conservator, as provided in subsection ~~(1)(m)~~,(1)(p):

13 (a) \$15 must be deposited in the county district court fund. If no county district court fund exists,  
 14 the money must be deposited in the county general fund for district court operations.

15 (b) \$20 must be remitted to the state for deposit in the state general fund for a portion of judicial  
 16 salaries;

17 (c) \$5 must be deposited in the fund established in [section 1] for district court records; and

18 (d) the balance of the fee must be deposited in the same manner as the fees listed in subsection  
 19 (2).

20 ~~(b) The clerk of the district court shall deposit the money deducted in subsection (5)(a) in the~~  
 21 ~~county general fund for district court operations unless the county has a district court fund. If the county~~  
 22 ~~has a district court fund, the money must be deposited in that fund.~~

23 (9) Of the fee collected under subsection (1)(q):

24 (a) \$20 must be remitted to the state for deposit in the state general fund for a portion of judicial  
 25 salaries; and

26 (b) the balance of the fee must be deposited in the same manner as the fees listed in subsection  
 27 (2).

28 ~~(6)~~(10) The fee for filing a motion for substitution of a judge, as provided in subsection (1)(p) (1)(s),  
 29 must be remitted to the state to be deposited as provided in 19-5-404.

30 ~~(7)~~(11) Fees collected under subsections (1)(d) (1)(g) through (1)(h) (1)(l) must be deposited in the

1 county district court fund. If no county district court fund exists, fees must be deposited in the county  
 2 general fund for district court operations.

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

6

7 **Section 3.** Section 19-5-404, MCA, is amended to read:

8 **"19-5-404. Contributions by state.** (1) The state of Montana shall contribute monthly to the  
 9 pension trust fund a sum equal to 6% of the compensation of each member.

10 (2) In addition, the clerk of each district court shall transmit to the state:

11 (a) 68% of certain filing fees as required under 25-1-201(2) ~~and~~;

12 (b) that portion of the fee for filing a petition for dissolution of marriage ~~and~~ specified in  
 13 25-1-201(4)(b);

14 (c) the fee for filing a motion for substitution of a judge specified in 25-1-201(4) and (6) to the  
 15 state, which(10); and

16 (d) 68% of the balance of certain fees as specified under 25-1-201(5)(d), (6)(c), (7)(c), (8)(d), and  
 17 (9)(b).

18 (3) Of the total amount received under subsection (2), the state treasurer shall first deposit in the  
 19 pension trust fund an amount equal to 34.71% of the total compensation paid to district judges and  
 20 supreme court justices who are covered by the judges' retirement system and then deposit the balance in  
 21 the state general fund.

22 (4) The clerk of the supreme court shall pay one-fourth of the fees collected under 3-2-403 to the  
 23 division to be credited to the pension trust fund.

24 ~~(2)(5)~~ The state of Montana shall contribute monthly from the renewable resource grant and loan  
 25 program account in the state special revenue fund to the judges' pension trust fund an amount equal to  
 26 34.71% of the compensation paid to the chief water court judge."

27

28 **Section 4.** Section 25-10-405, MCA, is amended to read:

29 **"25-10-405. Governmental entities not required to prepay fees -- exceptions.** The state, a county,  
 30 a municipality, or any subdivision thereof or any officer when prosecuting or defending an action on behalf

1 of the state, a county, a municipality, or a subdivision thereof is not required to pay or deposit any fee or  
2 amount to or with any officer during the prosecution or defense of an action, except the fee under  
3 25-1-201~~(1)(p)~~(1)(s) for filing a motion for substitution of a judge and all fees for photocopies, postage and  
4 handling, certifications, authentications, and record searches."

5

6 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
7 integral part of Title 3, chapter 5, part 5, and the provisions of Title 3, chapter 5, part 5, apply to [section  
8 1].

9

10 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 1995.

11

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0143, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:


An act requiring counties to establish a fund for district court records retention, preservation, and technology; clarifying the disposition of district court fees; raising certain district court fees; providing that the increase in certain fees be deposited in the county fund for district court records retention, preservation, and technology.

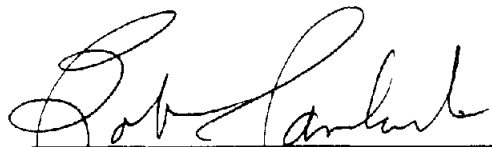
FISCAL IMPACT:

Passage of HB0143 will have no fiscal impact on state government.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Assuming that current caseload trends continue, and judges elect to waive the \$5 fee in 15% of the cases, then district courts would share \$160,000 for district court records retention, preservation and technology.

  
\_\_\_\_\_  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

  
\_\_\_\_\_  
BOB PAVLOVICH, PRIMARY SPONSOR      DATE

Fiscal Note for HB0143, as introduced

**HB 143**

STATE OF MONTANA - FISCAL NOTE

Revised Fiscal Note for HB0143, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

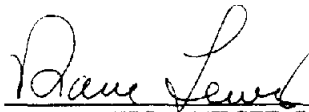
An act requiring counties to establish a fund for district court records retention, preservation, and technology; clarifying the disposition of district court fees; raising certain district court fees; providing that the increase in certain fees be deposited in the county fund for district court records retention, preservation, and technology.

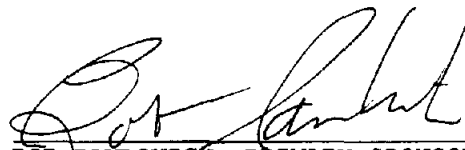
FISCAL IMPACT:

Passage of HB0143 will have no fiscal impact on state government.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Assuming that current caseload trends continue, and judges elect to waive the \$5 fee in 15% of the cases, the clerks of district court could collectively generate \$160,000, to be retained and administered at the local level by each clerk of the district court, for district court records retention, preservation and technology.

 1-20-95  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

  
BOB PAVLOVICH, PRIMARY SPONSOR      DATE  
Revised Fiscal Note for HB0143, as introduced

Rev. HB 143-#2



HOUSE BILL NO. 143

INTRODUCED BY PAVLOVICH, SHEA, QUILICI, MENAHAN, LYNCH, HARRINGTON, TASH  
BY REQUEST OF THE JUDICIAL UNIFICATION AND FINANCE COMMISSION

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNTIES TO ESTABLISH A FUND FOR DISTRICT COURT RECORDS RETENTION, PRESERVATION, AND TECHNOLOGY; CLARIFYING THE DISPOSITION OF DISTRICT COURT FEES; RAISING CERTAIN DISTRICT COURT FEES; PROVIDING THAT ~~THE INCREASE IN~~ A PORTION OF CERTAIN FEES BE DEPOSITED IN THE COUNTY FUND FOR DISTRICT COURT RECORDS RETENTION, PRESERVATION, AND TECHNOLOGY; REQUIRING THAT A PORTION OF THE FEE FOR ISSUING A MARRIAGE LICENSE OR FOR FILING A DECLARATION OF MARRIAGE BE USED BY THE COUNTY FOR DISTRICT COURT FUNDING; AMENDING SECTIONS 19-5-404, 25-1-201, AND 25-10-405, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**NEW SECTION. Section 1. Fund for district court records retention, preservation, and technology.**

(1) The governing body of each county shall establish a fund for district court records retention, preservation, and technology.

(2) The clerk of the district court is responsible for expenditures from the fund and shall use the money for expenses related to the maintenance of district court records.

(3) Money in the fund that is unexpended at the end of each fiscal year must remain in the fund to meet future needs.

**Section 2. 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~~ \$85 \$80;

(b) for filing a complaint in intervention, from the intervenor, ~~\$80~~ \$85 \$80;

(c) for filing a petition for dissolution of marriage, a fee of ~~\$120~~ \$125 \$120; and

- 1            (d) for filing a petition for legal separation, a fee of ~~\$120~~ ~~\$125~~ \$120;
- 2            ~~(b)~~(e) from each defendant or respondent, on appearance, ~~\$60~~ ~~\$65~~ \$60;
- 3            ~~(e)~~(f) on the entry of judgment, from the prevailing party, \$45;
- 4            ~~(d)~~(g) for preparing copies of papers on file in the clerk's office, 50 cents per page for the first five
- 5 pages of each file, per request, and 25 cents per additional page;
- 6            ~~(e)~~(h) for each certificate, with seal, ~~\$2~~ \$3;
- 7            ~~(f)~~(i) for oath and jurat, with seal, \$1;
- 8            ~~(g)~~(j) for search of court records, 50 cents for each year searched, not to exceed a total of \$25;
- 9            ~~(h)~~(k) for filing and docketing a transcript of judgment or transcript of the docket from all other
- 10 courts, the fee for entry of judgment provided for in subsection ~~(f)~~(1)(f);
- 11            ~~(i)~~(l) for issuing an execution or order of sale on a foreclosure of a lien, \$5;
- 12            ~~(j)~~(m) for transmission of records or files or transfer of a case to another court, ~~\$5~~ ~~\$25~~ \$5;
- 13            ~~(k)~~(n) for filing and entering papers received by transfer from other courts, ~~\$10~~ ~~\$30~~ \$10;
- 14            ~~(l)~~(o) for issuing a marriage license, \$30;
- 15            ~~(m)~~(p) on the filing of an application for informal, formal, or supervised probate or for the
- 16 appointment of a personal representative or the filing of a petition for the appointment of a guardian or
- 17 conservator, from the applicant or petitioner, ~~\$70~~ ~~\$75~~ \$70, which includes the fee for filing a will for
- 18 probate;
- 19            ~~(n)~~(q) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative
- 20 of the estate of a nonresident decedent, \$55;
- 21            ~~(o)~~(r) for filing a declaration of marriage without solemnization, \$30;
- 22            ~~(p)~~(s) for filing a motion for substitution of a judge, \$100.
- 23            (2) ~~Except as provided in subsections (3) through (8), 32%~~ Thirty-two percent of all fees collected
- 24 by the clerk of the district court under subsections (1)(m) and (1)(n) must be deposited in and credited to
- 25 the county district court fund. If no county district court fund exists, that portion of the fees must be
- 26 deposited in the county general fund for district court operations. The remaining portion of the fees must
- 27 be remitted to the state to be deposited as provided in 19-5-404.
- 28            (3) In the case of a fee collected for issuing a marriage license under subsection (1)(o) or filing a
- 29 declaration of marriage without solemnization, under subsection (1)(r):
- 30            (a) \$14 must be deposited in and credited to the state general fund;

1           **(b) \$6.40 must be deposited in and credited to the county general district court fund. If no county**  
 2 **district court fund exists, the money must be deposited in the county general fund for district court**  
 3 **operations. and**

4           **(c) \$9.60 must be remitted to the state to be deposited as provided in 19-5-404.**

5           **(4) Of the fee for filing a petition for dissolution of marriage under subsection (1)(c) or legal**  
 6 **separation under subsection (1)(d):**

7           **(a) ~~\$40~~ \$35 must be deposited in the state general fund;**

8           **(b) \$35 must be remitted to the state to be deposited as provided in 19-5-404;**

9           **(c) \$5 must be deposited in the children's trust fund account established by 41-3-702, and;**

10           **(d) \$20 must be deposited in and credited to the county district court fund. If no county district**  
 11 **court fund exists, the \$20 must be deposited in the county general fund for district court operations.**

12           **(e) \$20 must be remitted to the state for deposit in the state general fund for a portion of judicial**  
 13 **salaries; and**

14           **(f) \$5 must be deposited in the fund established in [section 1] for district court records.**

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

18           **(i) Of the fee collected at the commencement of each action or proceeding under subsection (1)(a)**  
 19 **and for filing a complaint in intervention as provided in subsection ~~(1)(a),~~(1)(b):**

20           **(a) \$35; must be deposited in the county district court fund. If no county district court fund exists,**  
 21 **the money must be deposited in the county general fund for district court operations.**

22           **(b) ~~\$20~~ \$15 must be remitted to the state for deposit in the state general fund for a portion of**  
 23 **judicial salaries;**

24           **(c) \$5 must be deposited in the fund established in [section 1] for district court records; and**

25           **(d) the balance of the fee must be deposited in the same manner as the fees listed in subsection**  
 26 **(2).**

27           **~~(6)~~(6) Of the fee collected from each defendant or respondent, on appearance, as provided in**  
 28 **subsection ~~(1)(b),~~(1)(e):**

29           **(a) \$25 must be deposited in the county district court fund. If no county district court fund exists,**  
 30 **the money must be deposited in the county general fund for district court operations;**

1 (b) \$5 must be deposited in the fund established in [section 1] for district court records; and  
 2 (c) the balance of the fee must be deposited in the same manner as the fees listed in subsection  
 3 (2).

4 ~~(iii)(7)~~ (7) Of the fee collected on the entry of judgment as provided in subsection ~~(1)(e)~~, (1)(f):

5 (a) \$15 must be deposited in the county district court fund. If no county district court fund exists,  
 6 the money must be deposited to the county general fund for district court operations.

7 (b) ~~\$20~~ must be remitted to the state for deposit in the state general fund for a portion of judicial  
 8 salaries; and

9 (c) the balance of the fee must be deposited in the same manner as the fees listed in subsection  
 10 (2).

11 (8) OF THE AMOUNT COLLECTED FOR EACH CERTIFICATE, WITH SEAL, AS PROVIDED IN  
 12 SUBSECTION (1)(H):

13 (A) \$2 MUST BE DEPOSITED IN THE COUNTY DISTRICT COURT FUND. IF NO COUNTY DISTRICT  
 14 COURT FUND EXISTS, FEES MUST BE DEPOSITED IN THE COUNTY GENERAL FUND FOR DISTRICT  
 15 COURT OPERATIONS.

16 (B) \$1 MUST BE DEPOSITED IN THE FUND ESTABLISHED IN [SECTION 1] FOR DISTRICT COURT  
 17 RECORDS.

18 ~~(iv)(8)~~ (9) Of the amount collected from the applicant or petitioner, on the filing of an application  
 19 for probate or for the appointment of a personal representative or on the filing of a petition for appointment  
 20 of a guardian or conservator, as provided in subsection ~~(1)(m)~~, (1)(p):

21 (a) \$15 must be deposited in the county district court fund. If no county district court fund exists,  
 22 the money must be deposited in the county general fund for district court operations.

23 (b) ~~\$20~~\$15 must be remitted to the state for deposit in the state general fund for a portion of  
 24 judicial salaries;

25 (c) \$5 must be deposited in the fund established in [section 1] for district court records; and

26 (d) the balance of the fee must be deposited in the same manner as the fees listed in subsection  
 27 (2).

28 ~~(b) The clerk of the district court shall deposit the money deducted in subsection (5)(a) in the~~  
 29 ~~county general fund for district court operations unless the county has a district court fund. If the county~~  
 30 ~~has a district court fund, the money must be deposited in that fund.~~

1 ~~(9)(10)~~ Of the fee collected under subsection (1)(q):

2 (a) \$20 \$15 must be remitted to the state for deposit in the state general fund for a portion of  
3 judicial salaries; and

4 (b) the balance of the fee must be deposited in the same manner as the fees listed in subsection  
5 (2).

6 ~~(6)(10)(11)~~ The fee for filing a motion for substitution of a judge, as provided in subsection (1)(p)  
7 (1)(s), must be remitted to the state to be deposited as provided in 19-5-404.

8 ~~(7)(11)(12)~~ Fees collected under subsections (1)(d) (1)(g) AND (1)(l) through (1)(j) (1)(l) must be  
9 deposited in the county district court fund. If no county district court fund exists, fees must be deposited  
10 in the county general fund for district court operations.

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

14

15 **Section 3.** Section 19-5-404, MCA, is amended to read:

16 **"19-5-404. Contributions by state.** (1) The state of Montana shall contribute monthly to the  
17 pension trust fund a sum equal to 6% of the compensation of each member.

18 (2) In addition, the clerk of each district court shall transmit to the state:

19 (a) 68% of certain filing fees as required under 25-1-201(2) and;

20 (b) that portion of the fee for filing a petition for dissolution of marriage and specified in  
21 25-1-201(4)(b);

22 (c) the fee for filing a motion for substitution of a judge specified in 25-1-201(4) and (6) to the  
23 state, which (10) (11); and

24 (d) 68% of the balance of certain fees as specified under 25-1-201(5)(d), (6)(c), (7)(c), (8)(d)  
25 (9)(D), and (9)(b) (10)(B).

26 (3) Of the total amount received under subsection (2), the state treasurer shall first deposit in the  
27 pension trust fund an amount equal to 34.71% of the total compensation paid to district judges and  
28 supreme court justices who are covered by the judges' retirement system and then deposit the balance in  
29 the state general fund.

30 (4) The clerk of the supreme court shall pay one-fourth of the fees collected under 3-2-403 to the

1 division to be credited to the pension trust fund.

2 ~~(2)(5)~~ The state of Montana shall contribute monthly from the renewable resource grant and loan  
3 program account in the state special revenue fund to the judges' pension trust fund an amount equal to  
4 34.71% of the compensation paid to the chief water court judge."

5

6 **Section 4.** Section 25-10-405, MCA, is amended to read:

7 **"25-10-405. Governmental entities not required to prepay fees -- exceptions.** The state, a county,  
8 a municipality, or any subdivision thereof or any officer when prosecuting or defending an action on behalf  
9 of the state, a county, a municipality, or a subdivision thereof is not required to pay or deposit any fee or  
10 amount to or with any officer during the prosecution or defense of an action, except the fee under  
11 25-1-201~~(1)(p)~~(1)(s) for filing a motion for substitution of a judge and all fees for photocopies, postage and  
12 handling, certifications, authentications, and record searches."

13

14 NEW SECTION. **Section 5. Codification instruction.** [Section 1] is intended to be codified as an  
15 integral part of Title 3, chapter 5, part 5, and the provisions of Title 3, chapter 5, part 5, apply to [section  
16 1].

17

18 NEW SECTION. **Section 6. Effective date.** [This act] is effective July 1, 1995.

19

-END-

