

HOUSE BILL NO. 636

INTRODUCED BY B. HAMLETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING ELECTION LAWS FOR SUPREME COURT JUSTICES;
5 ESTABLISHING A SUPREME COURT CANDIDATE PUBLIC FORUM PROGRAM; REQUIRING THE
6 SECRETARY OF STATE TO ADMINISTER THE PROGRAM; ALLOWING INDIVIDUAL TAXPAYERS TO
7 DONATE PART OF A TAX REFUND TO SUPPORT THE PROGRAM; INCREASING CERTAIN FEES FOR
8 CERTAIN FILINGS IN SUPREME COURT AND DISTRICT COURT; PROVIDING RULEMAKING AUTHORITY;
9 AMENDING SECTIONS 3-2-403, 3-2-404, 25-1-201, 25-9-506, AND 44-4-310, MCA; AND PROVIDING
10 EFFECTIVE DATES AND A RETROACTIVE APPLICABILITY DATE."

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

13
14 NEW SECTION. **Section 1. Definitions.** As used in [sections 1 through 4], the following definitions
15 apply:

- 16 (1) "Account" means the supreme court candidate public forum account established in [section 4].
- 17 (2) "Candidate" means a candidate for election to the supreme court as a justice or as chief justice.
- 18 (3) "Program" means the supreme court candidate public forum program established in [section 2].

19
20 NEW SECTION. **Section 2. Supreme court candidate public forum program -- administration --**
21 **rulemaking.** (1) There is a supreme court candidate public forum program administered by the secretary of state.
22 The purpose of the program is to provide increased public access to information about candidates for justice and
23 chief justice of the Montana supreme court.

24 (2) The secretary of state shall administer the program and organize public forums for the candidates.
25 The number and locations of the forums are subject to the limits of available funds in the special revenue account
26 established in [section 4]. Funds in the account may be used only for:

- 27 (a) travel expenses for candidates, calculated as provided in 2-18-501 through 2-18-503;
- 28 (b) acquiring meeting space to host a forum;
- 29 (c) publicizing the forum widely;
- 30 (d) broadcasting the forum to a statewide or regional audience; and

1 (e) administrative expenses, which may not exceed 10% of the money deposited in the account.

2 (3) When organizing and hosting a public forum for candidates, the secretary of state shall:

3 (a) operate the program within the limits of available funding;

4 (b) ensure that forums are accessible to a broad audience;

5 (c) prioritize hosting candidate forums in a variety of locations;

6 (d) arrange forums in a manner that emphasizes and respects the nonpartisan nature of the supreme
7 court while providing electors important information about candidates;

8 (e) attempt to host forums before absentee ballots are available according to 13-13-205; and

9 (f) prioritize forums that are held before a general election over forums held before a primary election
10 unless a primary election has three or more candidates for a single supreme court seat.

11 (4) The secretary of state may adopt administrative rules to administer the program.

12
13 **NEW SECTION. Section 3. Donation by taxpayer.** (1) An individual whose withheld income tax or
14 payment of estimated tax exceeds by more than \$5 the individual's income tax liability for the tax year may donate
15 up to \$5 to the fund. In the case of a joint return, as provided in 15-30-2602(2), of a husband or wife having a joint
16 overpayment, as defined in 15-30-2609, of \$10 or more, each spouse may donate up to \$5 to the fund.

17 (2) An individual with an unpaid tax liability may at the time of payment donate an extra \$1 to be paid to
18 the fund.

19 (3) The department of revenue shall provide a place on the face of a blank form of return where the
20 individual may make the donations provided for in subsections (1) and (2). The form must adequately explain the
21 individual's option to donate to the fund.

22
23 **NEW SECTION. Section 4. Supreme court candidate public forum special revenue account.** (1)
24 There is a supreme court candidate public forum account in the state special revenue fund. Money must be
25 deposited in the account pursuant to [section 3], 3-2-404, 25-1-201, 25-9-506, and subsection (2) of this section.
26 Money in the account must be used by the secretary of state to fund the supreme court candidate public forum
27 program established in [section 2].

28 (2) The secretary of state may accept gifts, grants, and donations from other public or private sources,
29 which must be deposited in the account and used within the scope of [sections 1 and 2].

30

1 **Section 5.** Section 3-2-403, MCA, is amended to read:

2 **"3-2-403. Fees.** The clerk shall collect the following fees:

- 3 (1) for filing the notice of appeal in any civil case appealed to the supreme court, ~~\$100~~ \$150 payable by
4 both the appellant and cross-appellant;
- 5 (2) for filing a petition for any writ, ~~\$100~~ \$150;
- 6 (3) for retrieval of court records from the secretary of state, actual fees charged by the secretary of state;
- 7 (4) for a certificate of good standing as an attorney, ~~\$5~~ \$7;
- 8 (5) for preparing copies of documents on file, 15 cents a page; and
- 9 (6) for each certified copy under seal, \$1."

10

11 **Section 6.** Section 3-2-404, MCA, is amended to read:

12 **"3-2-404. Disposition of fees.** (1) Except as provided in subsection (2) or as otherwise provided by law,
13 all fees collected by the clerk must be paid into the state treasury and must be credited to the general fund.

14 (2) (a) Of the fee for filing the notice of appeal in any civil case appealed to the supreme court as
15 provided in 3-2-403, \$50 must be deposited in the supreme court candidate public forum account established in
16 [section 4].

17 (b) Of the fee for filing a petition of any writ as provided in 3-2-403, \$50 must be deposited in the
18 supreme court candidate public forum account established in [section 4]."

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20 **Section 7.** Section 25-1-201, MCA, is amended to read:

21 **"25-1-201. Fees of clerk of district court.** (1) The clerk of district court shall collect the following fees:

22 (a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from
23 the plaintiff or petitioner, ~~\$90~~ \$120; for filing a complaint in intervention, from the intervenor, ~~\$80~~ \$110; for filing
24 a petition for dissolution of marriage, \$170; for filing a petition for legal separation, \$150; and for filing a petition
25 for a contested amendment of a final parenting plan, \$120;

26 (b) from each defendant or respondent, on appearance, ~~\$60~~ \$90;

27 (c) on the entry of judgment, from the prevailing party, ~~\$45~~ \$70;

28 (d) (i) except as provided in subsection (1)(d)(ii), for preparing copies of papers on file in the clerk's office
29 in all criminal and civil proceedings, \$1 a page for the first 10 pages of each file, for each request, and 50 cents
30 for each additional page;

- 1 (ii) for a copy of a marriage license, \$5, and for a copy of a dissolution decree, \$10;
- 2 (iii) for providing copies of papers on file in the clerk's office by facsimile, e-mail, or other electronic means
- 3 in all criminal and civil proceedings, 25 cents ~~per~~ a page;
- 4 (e) for each certificate, with seal, \$2;
- 5 (f) for oath and jurat, with seal, \$1;
- 6 (g) for a search of court records, \$2 for each name for each year searched, for a period of up to 7 years,
- 7 and an additional \$1 for each name for any additional year searched;
- 8 (h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the
- 9 fee for entry of judgment provided for in subsection (1)(c);
- 10 (i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;
- 11 (j) for transmission of records or files or transfer of a case to another court, \$5;
- 12 (k) for filing and entering papers received by transfer from other courts, \$10;
- 13 (l) for issuing a marriage license, \$53;
- 14 (m) on the filing of an application for informal, formal, or supervised probate or for the appointment of
- 15 a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the
- 16 applicant or petitioner, \$70, which includes the fee for filing a will for probate;
- 17 (n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the
- 18 estate of a nonresident decedent, \$55;
- 19 (o) for filing a declaration of marriage without solemnization, \$53;
- 20 (p) for filing a motion for substitution of a judge, \$100;
- 21 (q) for filing a petition for adoption, \$75; and
- 22 (r) for filing a pleading by facsimile or e-mail in all criminal and civil proceedings, 50 cents ~~per~~ a page.
- 23 (2) Except as provided in subsections (3) and (5) through ~~(7)~~ (10), fees collected by the clerk of district
- 24 court must be deposited in the state general fund as specified by the supreme court administrator.
- 25 (3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's
- 26 trust fund account established in 52-7-102, \$19 must be deposited in the civil legal assistance for indigent victims
- 27 of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family
- 28 member assault intervention and treatment fund established in 40-15-110.
- 29 (b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund
- 30 account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention

1 and treatment fund established in 40-15-110.

2 (4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an
3 amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may
4 not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under
5 subsection (1)(a).

6 (5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be
7 deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

8 (6) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$30 must
9 be deposited in the supreme court candidate public forum account established in [section 4].

10 (7) Of the fee for filing a complaint in intervention, \$30 must be deposited in the supreme court candidate
11 public forum account established in [section 4].

12 (8) Of the fee collected on the appearance from each defendant or respondent, \$30 must be deposited
13 in the supreme court candidate public forum account established in [section 4].

14 (9) Of the fee collected on the entry of judgment, \$25 must be deposited in the supreme court candidate
15 public forum account established in [section 4].

16 ~~(6)~~(10) The fees collected under subsections (1)(d), (1)(g), (1)(j), and (1)(r) must be deposited in the
17 county district court fund. If a district court fund does not exist, the fees must be deposited in the county general
18 fund to be used for district court operations.

19 ~~(7)~~(11) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage without
20 solemnization, \$13 must be deposited in the domestic violence intervention account established by 44-4-310 and
21 \$10 must be deposited in the county district court fund. If a district court fund does not exist, the fees must be
22 deposited in the county general fund to be used for district court operations.

23 ~~(8)~~(12) Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not
24 otherwise specifically allocated must be deposited in the state general fund."
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26 **Section 8.** Section 25-9-506, MCA, is amended to read:

27 **"25-9-506. Fees.** (1) Except as provided for in subsection (2), a person filing a foreign judgment shall
28 pay to the clerk of court a fee of ~~\$60~~ \$80, of which \$20 must be deposited in the supreme court candidate public
29 forum account established in [section 4].

30 (2) Fees for docketing, transcription, or other enforcement proceedings must be as provided for

1 judgments of the district court.

2 (3) Fees collected by the clerk of district court must be forwarded to the department of revenue for
3 deposit in the state general fund."

4

5 **Section 9.** Section 44-4-310, MCA, is amended to read:

6 **"44-4-310. Domestic violence intervention account -- administration by board of crime control.**

7 (1) There is a domestic violence intervention account in the state special revenue fund in the state treasury. There
8 must be paid into this account the designated filing fees paid under 25-1-201~~(7)~~(11) to the clerk of the district
9 court. The money deposited in the account must be used for services provided under 44-4-311.

10 (2) Funds deposited in the account may be expended by the Montana board of crime control, as provided
11 for in 2-15-2006, to fund services and activities under and payment of administrative costs of the domestic
12 violence intervention program provided for in 44-4-311."

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14 NEW SECTION. **Section 10. Codification instruction.** [Sections 1 through 4] are intended to be
15 codified as an integral part of Title 13, chapter 14, and the provisions of Title 13, chapter 14, apply to [sections
16 1 through 4].

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18 NEW SECTION. **Section 11. Effective dates.** (1) Except as provided in subsections (2) and (3), [this
19 act] is effective October 1, 2017.

20 (2) [Sections 4 through 9] are effective July 1, 2017.

21 (3) [This section and section 12] are effective on passage and approval.

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23 NEW SECTION. **Section 12. Retroactive applicability.** [This act] applies retroactively, within the
24 meaning of 1-2-109, to tax years beginning after December 31, 2016.

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