

House Bill 664

In The House

February 6, 1981	Introduced and referred to Committee on Human Services.
February 17, 1981	Committee recommend bill do pass.
February 19, 1981	Bill printed and placed on members' desks.
February 20, 1981	Second reading do pass as amended.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading passed.

In The Senate

March 3, 1981	Introduced and referred to Committee on Finance and Claims. Fiscal note requested.
March 5, 1981	Fiscal note returned.
April 3, 1981	Committee recommend bill not concurred.

In The House

April 4, 1981	Returned from Senate not concurred.
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1 HOUSE BILL NO. 664
2 INTRODUCED BY VINCENT

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A CHILDREN
5 OF DISSOLVED MARRIAGES GRANT PROGRAM ADMINISTERED BY THE
6 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES AND FUNDED
7 BY FILING FEES FOR DISSOLUTION OF MARRIAGE; AMENDING SECTION
8 25-1-201, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 NEW SECTION. Section 1. Children of dissolved
12 marriages grant program. There is a grant program
13 established within the department of social and
14 rehabilitation services for the allocation of grant money to
15 local programs whose activities relate directly to children
16 of dissolved marriages.

17 NEW SECTION. Section 2. Account established. There is
18 within the earmarked revenue fund a children of dissolved
19 marriages account. Money collected pursuant to
20 25-1-201(1)(b) shall be deposited in this account.

21 NEW SECTION. Section 3. Department may award grants
22 -- criteria. (1) The department of social and rehabilitation
23 services may award grants from the children of dissolved
24 marriages earmarked revenue fund account to locally
25 controlled private, nonprofit organizations.

1 (2) The following criteria shall be used by the
2 department when awarding grants under subsection (1):

- 3 (a) need;
- 4 (b) project merit;
- 5 (c) administrative design; and
- 6 (d) efficiency of administration.

7 NEW SECTION. Section 4. Authorized services of
8 children of dissolved marriages grants program. Local
9 children of dissolved marriages programs may provide
10 services that include but are not limited to the following:

- 11 (1) advocacy programs that provide for the replacement
12 of appropriate role models in the life of the child;
- 13 (2) seminars that provide the child with skills
14 relating to the loss of a parent through dissolution of
15 marriage;
- 16 (3) educational programs relating to children of
17 dissolved marriages designed for both the community at large
18 and specialized groups such as teachers and single parent
19 groups.

20 NEW SECTION. Section 5. Administrative duties of the
21 department. The department of social and rehabilitation
22 services:

- 23 (1) shall adopt rules necessary to carry out the
24 purposes of [sections 1 through 5];
- 25 (2) may spend no more than 5% of the appropriated

1 funds for administrative costs of the program;

2 (3) shall accept federal funds that may be available
3 for use in carrying out the provisions of [sections 1
4 through 5];

5 (4) may use state funds as a match for federal funds
6 if required; and

7 (5) may conduct research and compile statistics
8 relating to children of dissolved marriages.

9 Section 6. Section 25-1-201, MCA, is amended to read:

10 "25-1-201. Fees of clerk of district court. (1) The
11 clerk of the district court shall collect the following
12 fees:

13 (a) at the commencement of each action or proceeding,
14 from the plaintiff or petitioner, \$20; and for filing a
15 complaint in intervention, from the intervenor, \$20;

16 ~~(b) at the commencement of each action or proceeding~~
17 ~~for dissolution of marriage, from the plaintiff or~~
18 ~~petitioner, in addition to the fee collected under~~
19 ~~subsection (1)(a), \$20;~~

20 ~~(b)(c) from each defendant or respondent, on his~~
21 ~~appearance, \$10;~~

22 ~~(c)(d) on the entry of judgment, from the prevailing~~
23 ~~party, \$10;~~

24 ~~(d)(e) for preparing copies of papers on file in his~~
25 ~~office, 25 cents per page;~~

1 ~~(e)(f) for each certificate or oath and jurat, with~~
2 ~~seal, 50 cents;~~

3 ~~(f)(g) for oath and jurat, with seal, 50 cents;~~

4 ~~(g)(h) for administering oath, 25 cents;~~

5 ~~(h)(i) for taking depositions, per folio, 20 cents;~~

6 ~~(i)(j) for filing and docketing a transcript of~~
7 ~~judgment or abstract of judgment from all other courts, \$5;~~

8 ~~(j)(k) for issuing an execution or order of sale on a~~
9 ~~foreclosure of a lien, \$2;~~

10 ~~(k)(l) for transmission of records or files or~~
11 ~~transfer of a case to another court, \$5;~~

12 ~~(l)(m) for filing and entering papers received by~~
13 ~~transfer from other courts, \$10;~~

14 ~~(m)(n) for issuing a marriage license, \$15;~~

15 ~~(n)(o) on the filing of an application for informal,~~
16 ~~formal, or supervised probate or for the appointment of a~~
17 ~~personal representative or the filing of a petition for the~~
18 ~~appointment of a guardian or conservator, from the applicant~~
19 ~~or petitioner, \$35, which includes the fee for filing a will~~
20 ~~for probate.~~

21 (2) Forty percent of all fees collected by the clerk
22 of the district court shall be deposited in and credited to
23 the general fund of the county. The remaining portion of the
24 fees, ~~other than the fees collected pursuant to subsection~~
25 ~~(1)(a), shall be remitted to the state to be deposited as~~

1 provided in 19-5-404. The remaining portion of the fees
2 collected pursuant to subsection (1)(b) shall be remitted to
3 the state to be deposited as provided in [section 2]."

-End-

STATE OF MONTANA

REQUEST NO. 419-81

FISCAL NOTE

Form BD-15

In compliance with a written request received _____, 19 _____, there is hereby submitted a Fiscal Note for H.B. 664 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation:

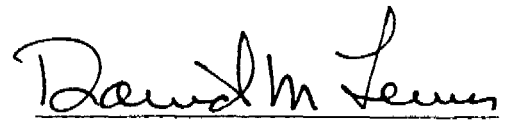
This proposal would provide a children of dissolved marriages grant program to be funded by filing fees for dissolution of marriage.

Assumptions:

1. Divorces will increase 250 per year from the calendar year 1979 level of 5,100
2. The administrative costs can be absorbed within the current level budget for SRS.

Revenue and Expenditure Impact:

	<u>FY82</u>	<u>FY83</u>
Increased Revenue	<u>\$68,700</u>	<u>\$71,700</u>
Increased Grant Expenditures	<u>\$68,700</u>	<u>\$71,700</u>



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 3-15/81

Approved by Comm. On Human Services

1 STATEMENT OF INTENT

2 HOUSE BILL 664

3 House Human Services Committee

4
5 It is the intention of the legislature that filing fees
6 for the dissolution of marriages fund a grant program
7 administered by the Department of Social and Rehabilitation
8 Services for the benefit of the children of dissolved
9 marriages. This bill requires a statement of intent because
10 section 5 requires the adoption of administrative rules. It
11 is the intent of the legislature that the rules adopted
12 address the allocation of grant money, the criteria for
13 grants mentioned in section 3, and the services authorized
14 in section 4. In addition, the intent of the legislature is
15 that no money from federal sources be used without matching
16 money at the local level.

17 In adopting rules addressing the concerns mentioned
18 above, the department should consider:

19 (1) a means of determining need, project merit,
20 appropriate and adequate administrative design, and a means
21 of determining what constitutes efficiency of
22 administration, the criteria in section 3 of the bill for
23 awarding grants;

24 (2) any other prerequisites considered necessary in
25 addition to the criteria of section 3 for allocation of

1 grant money; and

2 (3) detailing the approach envisioned in section 4 for
3 the replacement of appropriate role models, the skills
4 mentioned in section 4, and the nature of the educational
5 programs relating to children of dissolved marriages, also
6 mentioned in section 4.

HOUSE BILL NO. 664

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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE A CHILDREN OF DISSOLVED MARRIAGES GRANT PROGRAM ADMINISTERED BY THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES AND FUNDED BY FILING FEES FOR DISSOLUTION OF MARRIAGE; AMENDING SECTION 25-1-201, MCA."

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

NEW SECTION. Section 1. Children of dissolved marriages grant program. There is a grant program established within the department of social and rehabilitation services for the allocation of grant money to local programs whose activities relate directly to children of dissolved marriages.

NEW SECTION. Section 2. Account established. There is within the earmarked revenue fund a children of dissolved marriages account. Money collected pursuant to 25-1-201(1)(b) shall be deposited in this account.

NEW SECTION. Section 3. Department may award grants -- criteria. (1) The department of social and rehabilitation services may award grants from the children of dissolved marriages earmarked revenue fund account to locally controlled private, nonprofit organizations.

(2) The following criteria shall be used by the department when awarding grants under subsection (1):

- (a) need;
- (b) project merit;
- (c) administrative design; and
- (d) efficiency of administration.

NEW SECTION. Section 4. Authorized services of children of dissolved marriages grants program. Local children of dissolved marriages programs may provide services that include but are not limited to the following:

- (1) advocacy programs that provide for the replacement of appropriate role models in the life of the child;
- (2) seminars that provide the child with skills relating to the loss of a parent through dissolution of marriage;
- (3) educational programs relating to children of dissolved marriages designed for both the community at large and specialized groups such as teachers and single parent groups.

NEW SECTION. Section 5. Administrative duties of the department. The department of social and rehabilitation services:

- (1) shall adopt rules necessary to carry out the purposes of [sections 1 through 5];
- (2) may spend no more than 5% of the appropriated

1 funds for administrative costs of the program;

2 (3) shall accept federal funds that may be available

3 for use in carrying out the provisions of [sections 1

4 through 5];

5 (4) may use state funds as a match for federal funds

6 if required; and

7 (5) may conduct research and compile statistics

8 relating to children of dissolved marriages.

9 Section 6. Section 25-1-201, MCA, is amended to read:

10 "25-1-201. Fees of clerk of district court. (1) The

11 clerk of the district court shall collect the following

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14 from the plaintiff or petitioner, \$20; and for filing a

15 complaint in intervention, from the intervenor, \$20;

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18 petitioner, in addition to the fee collected under

19 subsection (1)(a), \$20;

20 ~~(b)(c)~~ from each defendant or respondent, on his

21 appearance, \$10;

22 ~~(c)(d)~~ on the entry of judgment, from the prevailing

23 party, \$10;

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25 office, 25 cents per page;

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2 seal, 50 cents;

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9 foreclosure of a lien, \$2;

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11 transfer of a case to another court, \$5;

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16 formal, or supervised probate or for the appointment of a

17 personal representative or the filing of a petition for the

18 appointment of a guardian or conservator, from the applicant

19 or petitioner, \$35, which includes the fee for filing a will

20 for probate.

21 (2) Forty percent of all fees collected by the clerk

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23 the general fund of the county. The remaining portion of the

24 fees, other than the fees collected pursuant to subsection

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1 provided in 19-5-404. The remaining portion of the fees
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