

HOUSE BILL NO. 300

INTRODUCED BY WALDRON, REGAN, CURTISS, B. BROWN, CONN, ECK, FABREGA, AZZARA, HEMSTAD, KEEDY, R. MANNING, ELLISON, GOULD, HANSON, KITSELMAN, LORY, WINSLOW, D. O'HARA, MEYER, KEMNIS, HOLLIDAY, HARRINGTON, KESSLER, McBRIDE, DUSSAULT, EUDAILY, DOZIER, D. BROWN, O'CONNELL, PISTORIA, R. ANDERSON, BRIGGS, SCHULTZ, DAILY, HARP, METCALF, NEUMAN, PHILLIPS, MATSKO, ROTH, IVERSON, KANDUCH, BERGENE, ABRAMS, MARKS, WILLIAMS, MENAHAN, HARPER, BOYLAN, ROUSH, HART, McLANE, ROBBINS, YARDLEY, JACOBSEN, THOPT, MANLEY, HUENNEKENS, SHONTZ, FAGG, MAZUREK, BLAYLOCK, JACOBSON, P. RYAN, ZABROCKI, KENNERLY, SHELDEN, ERNST, HALLIGAN, NORMAN, THOMAS, BERG, S. BROWN, DOVER, JOHNSON, VAN VALKENBURG, CONOVER, HAFFEY

IN THE HOUSE

February 17, 1981	Introduced and referred to Committee on Appropriations.
February 18, 1981	Fiscal note requested.
February 23, 1981	Fiscal note returned.
March 30, 1981	Rules suspended to allow bill to be transmitted on the 75th legislative day.
March 31, 1981	Committee recommend bill do pass. Report adopted.
	Bill printed and placed on members' desks.
April 2, 1981	Second reading, do pass.
April 3, 1981	Considered correctly engrossed.
April 4, 1981	Third reading, passed. Ayes, 67; Noes, 28. Transmitted to Senate.

IN THE SENATE

April 6, 1981	By motion and consent bill allowed to be received and considered this session.
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April 6, 1981

Introduced and referred to
Committee on Finance and
Claims.

April 9, 1981

Committee recommend bill be
concurrent in. Report adopted.

April 11, 1981

Second reading, concurrent in.

On motion rules suspended.
Bill placed on calendar for
third reading this day.

Third reading, concurrent in.
Ayes, 34; Noes, 15.

IN THE HOUSE

April 13, 1981

Returned from Senate. Con-
current in. Sent to enrolling.

Reported correctly enrolled.

1 marriage license. \$14 must be deposited in and credited to
 2 the state general fund. \$6.40 must be deposited in and
 3 credited to the county general fund, and \$9.60 must be
 4 remitted to the state to be deposited as provided in
 5 19-5-404."

6 Section 2. Section 40-1-202, MCA, is amended to read:
 7 "40-1-202. License issuance. When a marriage
 8 application has been completed and signed by both parties to
 9 a prospective marriage and at least one party has appeared
 10 before the clerk of the district court and paid the marriage
 11 license fee of \$25 ~~\$30~~, the clerk of the district court
 12 shall issue a license to marry and a marriage certificate
 13 form upon being furnished:

14 (1) satisfactory proof that each party to the marriage
 15 will have attained the age of 18 years at the time the
 16 marriage license is effective or will have attained the age
 17 of 16 years and has obtained judicial approval as provided
 18 in 40-1-213;

19 (2) satisfactory proof that the marriage is not
 20 prohibited; and

21 (3) a certificate of the results of any medical
 22 examination required by the laws of this state."

23 Section 3. Section 40-2-404, MCA, is amended to read:

24 "40-2-404. Authorized services of programs. (1) Local
 25 battered spouses and domestic violence programs may provide

1 services that include but are not limited to the following:

2 (1)(a) counseling for victims or their spouses;

3 (2)(b) shelters or safe homes for victims;

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 5 obtaining services and information; and

6 (4)(d) educational programs relating to battered
 7 spouses and domestic violence designed for both the
 8 community at large and specialized groups such as hospital
 9 personnel and law enforcement officials.

10 (2) The services authorized in subsection (1) may be
 11 provided on a regional basis by a local battered spouses and
 12 domestic violence program if so authorized by the department
 13 of social and rehabilitation services according to regional
 14 boundaries established by the department."

15 Section 4. Section 40-2-405, MCA, is amended to read:

16 "40-2-405. Funding. (1) Revenue from the marriage
 17 license fee is the primary source of funding for the
 18 battered spouses and domestic violence program. ~~Sixteen~~
 19 ~~dollars of the marriage license fee is to be retained by the~~
 20 ~~county in which the fee is collected to defray the county~~
 21 ~~costs of administration and \$9 of the marriage license fee~~
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 23 ~~the marriage license fee is as established in 25-1-201.~~

24 (2) Twenty percent of the operational costs of a
 25 battered spouses and domestic violence ogram must come

1 from the local community served by the program. The local
2 contribution may include in-kind contributions.*

3 Section 5. Appropriation. (1) There is appropriated
4 from the general fund to the department of social and
5 rehabilitation services for the battered spouses and
6 domestic violence grant program the following amounts:

7 For the fiscal year ending June 30, 1982 \$40,500

8 For the fiscal year ending June 30, 1983 \$40,500

9 (2) The appropriation provided for in subsection (1)
10 may be used only for regional shelter or safe house programs
11 for victims as provided for in 40-2-404.

-End-

HB 800

STATE OF MONTANA

REQUEST NO. 409-81

FISCAL NOTE

Form BD-15

In compliance with a written request received February 18, 19 81, there is hereby submitted a Fiscal Note for House Bill 800 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:

House Bill 800 is an act to clarify provisions relating to the battered spouses and domestic violence grant program, raising the marriage license fee from \$25 to \$30 and providing an appropriation.

ASSUMPTIONS:

The average number of marriage licenses issued in future years will remain approximately the same as the last two years, or 8100 per year.

AFFECT ON COUNTY OR LOCAL REVENUE OR EXPENDITURES:

County revenue or expenditures will not be affected by the proposed changes.

FISCAL IMPACT:

	<u>1981-82</u>	<u>1982-83</u>
\$5 increase in marriage license fee times average number of licenses issued per year of 8100	\$40,500	\$40,500

Amount distributed to state is the entire \$5 increase

Increase revenue for state general fund	<u>\$40,500</u>	<u>\$40,500</u>
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TECHNICAL NOTE:

The fee increase and the distribution of the fee in 25-1-201 subsection (3) would be in conflict with proposed changes in Senate Bill 121.

David M. Lewis

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-23-81

Approved by Comm.
on Appropriations

HOUSE BILL NO. 800

INTRODUCED BY *Waldron* *Boyer* *Boyer* *Conroy* *Ed*

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY PROVISIONS RELATING TO THE BATTERED SPOUSES AND DOMESTIC VIOLENCE GRANT PROGRAM; RAISING THE MARRIAGE LICENSE FEE FROM \$25 TO \$30; PROVIDING AN APPROPRIATION; AND AMENDING SECTIONS 25-1-201, 40-1-202, 40-2-404, AND 40-2-405, MCA." *HART*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 25-1-201, MCA, is amended to read:

- 12 "25-1-201. Fees of clerk of district court. (1) The
- 13 clerk of the district court shall collect the following
- 14 fees:
- 15 (a) at the commencement of each action or proceeding,
- 16 from the plaintiff or petitioner, \$20; and for filing a
- 17 complaint in intervention, from the intervenor, \$20;
- 18 (b) from each defendant or respondent, on his
- 19 appearance, \$10;
- 20 (c) on the entry of judgment, from the prevailing
- 21 party, \$10;
- 22 (d) for preparing copies of papers on file in his
- 23 office, 25 cents per page;
- 24 (e) for each certificate or oath and jurat, with seal,
- 25 50 cents;

- 1 (f) for oath and jurat, with seal, 50 cents;
- 2 (g) for administering oath, 25 cents;
- 3 (h) for taking depositions, per folio, 20 cents;
- 4 (i) for filing and docketing a transcript of judgment
- 5 or abstract of judgment from all other courts, \$5;
- 6 (j) for issuing an execution or order of sale on a
- 7 foreclosure of a lien, \$2;
- 8 (k) for transmission of records or files or transfer
- 9 of a case to another court, \$5;
- 10 (l) for filing and entering papers received by
- 11 transfer from other courts, \$10;
- 12 (m) for issuing a marriage license, \$15 ~~\$30~~;
- 13 (n) on the filing of an application for informal,
- 14 formal, or supervised probate or for the appointment of a
- 15 personal representative or the filing of a petition for the
- 16 appointment of a guardian or conservator, from the applicant
- 17 or petitioner, \$35, which includes the fee for filing a will
- 18 for probate.
- 19 (2) Forty-percent except as provided in subsection
- 20 (3), 40% of all fees collected by the clerk of the district
- 21 court shall be deposited in and credited to the general fund
- 22 of the county. The remaining portion of the fees shall be
- 23 remitted to the state to be deposited as provided in
- 24 19-5-404.
- 25 (3) In the case of a fee collected for issuing a

J. Jacobs
Reagan
Zelenski
Strom
Sheldahl
Ernst
Kelly
Norman
J. Brown
J. Brown
Van Valkenburg
Berg
Combs
Philly

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 3 ~~credited to the county general fund, and \$9.60 must be~~
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 17 of 16 years and has obtained judicial approval as provided
 18 in 40-1-213;

19 (2) satisfactory proof that the marriage is not
 20 prohibited; and

21 (3) a certificate of the results of any medical
 22 examination required by the laws of this state."

23 Section 3. Section 40-2-404, MCA, is amended to read:
 24 "40-2-404. Authorized services of programs. ~~(1)~~ Local
 25 battered spouses and domestic violence programs may provide

1 services that include but are not limited to the following:

2 ~~(1)(a)~~ counseling for victims or their spouses;

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 5 obtaining services and information; and

6 ~~(4)(d)~~ educational programs relating to battered
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 8 community at large and specialized groups such as hospital
 9 personnel and law enforcement officials.

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 17 license fee is the primary source of funding for the
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7 For the fiscal year ending June 30, 1982 \$40,500

8 For the fiscal year ending June 30, 1983 \$40,500

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10 may be used only for regional shelter or safe house programs
11 for victims as provided for in 40-2-404.

-End-

Jason
for
Lyndee
Stumacher
helden
met
lya
owen
horus
Bevon
Down
John
Walt
229
moder
by

HOUSE BILL NO. 800

Fairbridge
Agree

INTRODUCED BY *Waldron* *Bob Brown* *Conch* *ode*

Demoted *Leech* *Wilson* *Kitelman* *PROVISIONS*
McBride
Meyer *Kemmis* *Hollings* *Haupt* *Shelly* *McBride* *Alvares*
RELATING TO THE BATTERED SPOUSES AND DOMESTIC VIOLENCE GRANT
Quetron *Connell* *Historia* *ANALYSIS* *Liberty*
PROGRAM; RAISING THE MARRIAGE LICENSE FEE FROM \$25 TO \$30;
High *Shultz* *Walt* *HART* *DOG*
PROVIDING AN APPROPRIATION; AND AMENDING SECTIONS 25-1-201,
Mitchell
40-1-202, 40-2-404, AND 40-2-405, MCA. *FOIA* *John* *Kadish*

Bergene *Mark* *Williams* *Member* *Roger* *Rush*
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: *7* *Shel*

FACTS *Meagher* *BLAYLOCK* *McDane*
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Shel *Ed & Ann*
"25-1-201. Fees of clerk of district court. (1) The
Lyndee
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50 cents;

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-End-