

HB 866 INTRODUCED BY BRADLEY, ET AL.
INCREASE MARRIAGE LICENSE FEE BY \$5
BY REQUEST OF HOUSE APPROPRIATIONS COMMITTEE

3/06 INTRODUCED
3/06 REFERRED TO APPROPRIATIONS
3/07 FISCAL NOTE REQUESTED
3/13 FISCAL NOTE RECEIVED
3/19 HEARING
3/20 COMMITTEE REPORT--BILL PASSED
3/24 2ND READING PASSED 85 11
3/26 3RD READING PASSED 86 13

TRANSMITTED TO SENATE
4/09 RULES SUSPENDED TO ALLOW RECEIPT OF
BILL AFTER DEADLINE 47 2
4/10 REFERRED TO FINANCE & CLAIMS
4/15 HEARING
4/15 COMMITTEE REPORT--BILL CONCURRED AS AMENDED
4/16 2ND READING CONCURRED 47 3
4/17 3RD READING CONCURRED 41 9

RETURNED TO HOUSE WITH AMENDMENTS

SENATE
4/23 REQUESTED RETURN OF BILL FROM HOUSE 50 0
(HOUSE RETURNED BILL TO SENATE)
4/23 2ND READING CONCURRED AS AMENDED 38 12
4/23 3RD READING CONCURRED 37 12
RETURNED TO HOUSE WITH AMENDMENTS

DIED IN PROCESS

1 of all fees collected by the clerk of the district court
2 must be deposited in and credited to the general fund of the
3 county. The remaining portion of the fees must be remitted
4 to the state to be deposited as provided in 19-5-404.

5 (3) In the case of a fee collected for issuing a
6 marriage license or filing a declaration of marriage without
7 solemnization, ~~\$14~~ \$19 must be deposited in and credited to
8 the state general fund, \$6.40 must be deposited in and
9 credited to the county general fund, and \$9.60 must be
10 remitted to the state to be deposited as provided in
11 19-5-404.

12 (4) Of the additional fee for filing a petition for
13 dissolution of marriage, \$25 must be deposited in the state
14 general fund and \$5 must be deposited in the children's
15 trust fund account established by 41-3-702.

16 25-1-201. (Effective January 1, 1990) Fees of clerk of
17 district court. (1) The clerk of the district court shall
18 collect the following fees:

19 (a) at the commencement of each action or proceeding,
20 from the plaintiff or petitioner, \$25; for filing a
21 complaint in intervention, from the intervenor, \$25; and for
22 filing a petition for dissolution of marriage, an additional
23 fee of \$25;

24 (b) from each defendant or respondent, on his
25 appearance, \$15;

1 (c) on the entry of judgment, from the prevailing
2 party, \$10;

3 (d) for preparing copies of papers on file in his
4 office, 25 cents per page;

5 (e) for each certificate, with seal, 50 cents;

6 (f) for oath and jurat, with seal, 50 cents;

7 (g) for administering oath, 25 cents;

8 (h) for taking depositions, per folio, 20 cents;

9 (i) for filing and docketing a transcript of judgment
10 or abstract of judgment from all other courts, \$5;

11 (j) for issuing an execution or order of sale on a
12 foreclosure of a lien, \$2;

13 (k) for transmission of records or files or transfer
14 of a case to another court, \$5;

15 (l) for filing and entering papers received by
16 transfer from other courts, \$10;

17 (m) for issuing a marriage license, ~~\$30~~ \$35;

18 (n) on the filing of an application for informal,
19 formal, or supervised probate or for the appointment of a
20 personal representative or the filing of a petition for the
21 appointment of a guardian or conservator, from the applicant
22 or petitioner, \$35, which includes the fee for filing a will
23 for probate;

24 (o) on the filing of the items required in 72-4-303 by
25 a domiciliary foreign personal representative of the estate

1 of a nonresident decedent, \$35;

2 (p) for filing a declaration of marriage without
3 solemnization, ~~30~~ \$35.

4 (2) Except as provided in subsection (3), 32% of all
5 fees collected by the clerk of the district court must be
6 deposited in and credited to the general fund of the county.
7 The remaining portion of the fees must be remitted to the
8 state to be deposited as provided in 19-5-404.

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11 solemnization, ~~\$14~~ \$19 must be deposited in and credited to
12 the state general fund, \$6.40 must be deposited in and
13 credited to the county general fund, and \$9.60 must be
14 remitted to the state to be deposited as provided in
15 19-5-404.

16 (4) The additional fee for filing a petition for
17 dissolution of marriage must be deposited in the state
18 general fund."

19 NEW SECTION. Section 2. Effective date. This act is
20 effective July 1, 1987.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB866, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to increase by \$5.00 the fee for issuing a marriage license or filing a Declaration of Marriage; amending Section 25-1-201, MCA; and providing an effective date.

ASSUMPTIONS:

There will be 7,187 marriage licenses issued or Declaration of Marriage filed in each year of the biennium.

FISCAL IMPACT:

	<u>FY88</u>			<u>FY89</u>		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
General Fund Revenue	\$100,618	\$136,553	\$35,935	\$100,618	\$136,553	\$35,935

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

N/A

David L. Hunter

DATE 3/13/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

Dorothy Bradley

DATE

DOROTHY BRADLEY, PRIMARY SPONSOR

Fiscal Note for HB866, as introduced.

HB866

APPROVED BY COMMITTEE
ON APPROPRIATIONS

1 House BILL NO. 866
2 INTRODUCED BY Bradley Semitz
3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE BY \$5 THE
6 FEE FOR ISSUING A MARRIAGE LICENSE OR FILING A DECLARATION
7 OF MARRIAGE; AMENDING SECTION 25-1-201, MCA; AND PROVIDING
8 AN EFFECTIVE DATE."

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

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

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

15 (a) at the commencement of each action or proceeding,
16 from the plaintiff or petitioner, \$25; for filing a
17 complaint in intervention, from the intervenor, \$25; and for
18 filing a petition for dissolution of marriage, an additional
19 fee of \$30;

20 (b) from each defendant or respondent, on his
21 appearance, \$15;

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

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

- 1 (e) for each certificate, with seal, 50 cents;
- 2 (f) for oath and jurat, with seal, 50 cents;
- 3 (g) for administering oath, 25 cents;
- 4 (h) for taking depositions, per folio, 20 cents;
- 5 (i) for filing and docketing a transcript of judgment
6 or abstract of judgment from all other courts, \$5;
- 7 (j) for issuing an execution or order of sale on a
8 foreclosure of a lien, \$2;
- 9 (k) for transmission of records or files or transfer
10 of a case to another court, \$5;
- 11 (l) for filing and entering papers received by
12 transfer from other courts, \$10;
- 13 (m) for issuing a marriage license, ~~\$30~~ \$35;
- 14 (n) on the filing of an application for informal,
15 formal, or supervised probate or for the appointment of a
16 personal representative or the filing of a petition for the
17 appointment of a guardian or conservator, from the applicant
18 or petitioner, \$35, which includes the fee for filing a will
19 for probate;
- 20 (o) on the filing of the items required in 72-4-303 by
21 a domiciliary foreign personal representative of the estate
22 of a nonresident decedent, \$35;
- 23 (p) for filing a declaration of marriage without
24 solemnization, ~~\$30~~ \$35.
- 25 (2) Except as provided in subsections (3) and (4), 32%



1 of all fees collected by the clerk of the district court
2 must be deposited in and credited to the general fund of the
3 county. The remaining portion of the fees must be remitted
4 to the state to be deposited as provided in 19-5-404.

5 (3) In the case of a fee collected for issuing a
6 marriage license or filing a declaration of marriage without
7 solemnization, ~~\$14~~ \$19 must be deposited in and credited to
8 the state general fund, \$6.40 must be deposited in and
9 credited to the county general fund, and \$9.60 must be
10 remitted to the state to be deposited as provided in
11 19-5-404.

12 (4) Of the additional fee for filing a petition for
13 dissolution of marriage, \$25 must be deposited in the state
14 general fund and \$5 must be deposited in the children's
15 trust fund account established by 41-3-702.

16 25-1-201. (Effective January 1, 1990) Fees of clerk of
17 district court. (1) The clerk of the district court shall
18 collect the following fees:

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14 of a case to another court, \$5;

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16 transfer from other courts, \$10;

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19 formal, or supervised probate or for the appointment of a
20 personal representative or the filing of a petition for the
21 appointment of a guardian or conservator, from the applicant
22 or petitioner, \$35, which includes the fee for filing a will
23 for probate;

24 (o) on the filing of the items required in 72-4-303 by
25 a domiciliary foreign personal representative of the estate

1 of a nonresident decedent, \$35;

2 (p) for filing a declaration of marriage without
3 solemnization, ~~\$38~~ \$35.

4 (2) Except as provided in subsection (3), 32% of all
5 fees collected by the clerk of the district court must be
6 deposited in and credited to the general fund of the county.
7 The remaining portion of the fees must be remitted to the
8 state to be deposited as provided in 19-5-404.

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14 remitted to the state to be deposited as provided in
15 19-5-404.

16 (4) The additional fee for filing a petition for
17 dissolution of marriage must be deposited in the state
18 general fund."

19 NEW SECTION. Section 2. Effective date. This act is
20 effective July 1, 1987.

-End-

1 House BILL NO. 866
 2 INTRODUCED BY Boadley, Lemtgen
 3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE BY \$5 THE
 6 FEE FOR ISSUING A MARRIAGE LICENSE OR FILING A DECLARATION
 7 OF MARRIAGE; AMENDING SECTION 25-1-201, MCA; AND PROVIDING
 8 AN EFFECTIVE DATE."

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11 Section 1. Section 25-1-201, MCA, is amended to read:
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 13 court. (1) The clerk of the district court shall collect the
 14 following fees:

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 16 from the plaintiff or petitioner, \$25; for filing a
 17 complaint in intervention, from the intervenor, \$25; and for
 18 filing a petition for dissolution of marriage, an additional
 19 fee of \$30;
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 21 appearance, \$15;
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 23 party, \$10;
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 12 transfer from other courts, \$10;
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 16 personal representative or the filing of a petition for the
 17 appointment of a guardian or conservator, from the applicant
 18 or petitioner, \$35, which includes the fee for filing a will
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 22 of a nonresident decedent, \$35;
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 24 solemnization, ~~\$30~~ \$35.
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16 (4) The additional fee for filing a petition for
17 dissolution of marriage must be deposited in the state
18 general fund."

19 NEW SECTION. Section 2. Effective date. This act is
20 effective July 1, 1987.

-End-

1 HOUSE BILL NO. 866

2 INTRODUCED BY BRADLEY, SWITZER

3 BY REQUEST OF THE HOUSE APPROPRIATIONS COMMITTEE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE BY \$5 THE
6 FEE FOR ISSUING A MARRIAGE LICENSE OR FILING A DECLARATION
7 OF MARRIAGE; TO MODIFY MARRIAGE CRITERIA; AMENDING SECTION
8 SECTIONS 25-1-201 AND 40-1-401, MCA; AND PROVIDING AN
9 EFFECTIVE-DATE EFFECTIVE DATES."

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

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

13 "25-1-201. (Temporary) Fees of clerk of district
14 court. (1) The clerk of the district court shall collect the
15 following fees:

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19 or petitioner, \$35, which includes the fee for filing a will
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21 (o) on the filing of the items required in 72-4-303 by
22 a domiciliary foreign personal representative of the estate
23 of a nonresident decedent, \$35;

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 3 must be deposited in and credited to the general fund of the
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25 (o) on the filing of the items required in 72-4-303 by

1 a domiciliary foreign personal representative of the estate
2 of a nonresident decedent, \$35;

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4 solemnization, ~~\$30~~ \$35.

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14 credited to the county general fund, and \$9.60 must be
15 remitted to the state to be deposited as provided in
16 19-5-404.

17 (4) The additional fee for filing a petition for
18 dissolution of marriage must be deposited in the state
19 general fund."

20 SECTION 2. SECTION 40-1-401, MCA, IS AMENDED TO READ:

21 "40-1-401. Prohibited marriages. (1) The following
22 marriages are prohibited:

23 (a) a marriage entered into prior to the dissolution
24 of an earlier marriage of one of the parties;

25 (b) a marriage between:

1 (i) an ancestor and a descendant or between a brother
2 and a sister, whether the relationship is by the half or the
3 whole blood; or

4 (ii) between first cousins unless both parties are at
5 least 60 years of age;

6 (c) a marriage between an uncle and a niece or between
7 an aunt and a nephew, whether the relationship is by the
8 half or the whole blood.

9 (2) Parties to a marriage prohibited under this
10 section who cohabit after removal of the impediment are
11 lawfully married as of the date of the removal of the
12 impediment.

13 (3) Children born of a prohibited marriage are
14 legitimate."

15 NEW SECTION. SECTION 3. SEVERABILITY. IF A PART OF
16 THIS ACT IS INVALID, ALL VALID PARTS THAT ARE SEVERABLE FROM
17 THE INVALID PART REMAIN IN EFFECT. IF A PART OF THIS ACT IS
18 INVALID IN ONE OR MORE OF ITS APPLICATIONS, THE PART REMAINS
19 IN EFFECT IN ALL VALID APPLICATIONS THAT ARE SEVERABLE FROM
20 THE INVALID APPLICATIONS.

21 NEW SECTION. Section 4. Effective date DATES. This
22 act (1) SECTION 1 is effective July 1, 1987.

23 (2) SECTIONS 2, 3, AND THIS SECTION ARE EFFECTIVE ON
24 PASSAGE AND APPROVAL.

-End-

STANDING COMMITTEE REPORT

scrhb866.scr

SCRSB866

April 15, 1987

SENATE

April 15, 1987

MR. PRESIDENT

Finance & Claims

We, your committee on.....

House Bill

866

having had under consideration..... No.

third reading copy (blue color)

INCREASE MARRIAGE LICENSE FEE BY \$5

BRADLEY (JACOBSON)

Respectfully report as follows: That..... House Bill..... No. 866.....

BE AMENDED AS FOLLOWS:

1. Title, line 7.
Following: "MARRIAGE;"
Insert: "MODIFYING MARRIAGE CRITERIA;"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "25-1-201"
Insert: "AND 40-1-401"

2. Title, line 8.
Strike: "AN EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

3. Page 5, line 19.
Following: Line 18
Insert: "Section 2. Section 40-1-401, MCA, is amended to read:
"40-1-401. Prohibited marriages. (1) The following marriages are prohibited:
(a) a marriage entered into prior to the dissolution of an earlier marriage of one of the parties;
(b) a marriage between:
(i) an ancestor and a descendant or between a brother and a sister, whether the relationship is by the half or the whole blood, or
(ii) between first cousins unless both parties are at least 60 years of age;

(c) a marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood.

(2) Parties to a marriage prohibited under this section who cohabit after removal of the impediment are lawfully married as of the date of the removal of the impediment.

(3) Children born of a prohibited marriage are legitimate."
NEW SECTION. Section 3. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all applications that are severable from the invalid applications."
Renumber: subsequent section

4. Page 5, line 19.
Following: "Effective"
Strike: "date"
Insert: "dates"
Following: "."
Strike: "This act"
Insert: "(1) Section 1"

5. Page 5, following line 20.
Insert: "(2) Sections 2, 3, and this section are effective on passage and approval."

DO PASS

DO NOT PASS

CONTINUED

Chairman

Handwritten notes: 4/15/87, 10:10, JTC, MB

AND AS AMENDED,
BE CONCURRED IN

Senator Regan

Handwritten notes: 4/15/87, 10:10, JTC

4-23-87

SENATE

DATE

9:45pm

TIME

866

No.

MR. CHAIRMAN: I MOVE TO AMEND House Bill

reference

salmon

reading copy (Color) as follows:

1. Title, line 7.

Strike: "TO MODIFY MARRIAGE CRITERIA;"

2. Title, line 8.

Strike: " SECTIONS "

Insert: "SECTION"

Strike: "AND 40-1-401"

3. Page 5, line 20 through page 6, line 14.

Strike: Section 2 in its entirety.

Renumber: subsequent sections.

4. Page 6, line 23.

Strike: "SECTIONS 2, 3,"

Insert: "Section 2"

MF
ADOPT
REJECT

V. Valkenburg
.....
Senator Van Valkenburg