

**TO MEMBERS OF 2005 HOUSE JUDICIARY
COMMITTEE**

SB#67 AN ACT INCREASING THE FEES FOR ISSUANCE OF A MARRIAGE LICENSE AND FILING OF A DECLARATION OF MARRIAGE WITHOUT SOLEMNIZATION; PROVIDING THAT THE INCREASE IN FEES BE DIVIDED BETWEEN THE STATE GENERAL FUND AND THE COUNTY DISTRICT COURT FUND OR COUNTY GENERAL FUND FOR DISTRICT COURT OPERATIONS; AMENDING SECTIONS 3-2-714, 15-1-121, 25-1-201, 40-1-202, 40-1-311, AND 50-15-310, MCA; AND PROVIDING AN EFFECTIVE DATE OF JULY 1, 2005.

INTRODUCED BY: Senator Brent Cromley
Signed on by Representative Carol Lambert

PASSED THE SENATE: Passed Senate 41-9 on 3rd reading

REQUESTED BY: The Montana Association of Clerks of District Court

GOOD MORNING, Chairman Rice, Vice Chairman Clark , Vice Chairman Stoker and Committee Members:

The Montana Association of Clerks of District Court are requesting that SB #67 be passed by the House Judiciary Committee. Senate Bill # 67 requests that the fee of a Marriage License be raised from \$30.25 to \$40.00 with \$30.00 to be deposited in the State General Fund, and \$10.00 to be retained by the counties to be deposited in the District Court fund, if there is one, and if not, to the County General fund to be used for the office of Clerk of the District Court.

The fee for a marriage license fee was last raised in 1981. The fee for a marriage license in the beginning was \$2.00, as you will see on your history sheet that was passed out to you. The \$.25 cents initiated in 1943 was always meant to offset the cost to the counties of the preparing and issuing of a marriage license. To process a marriage license, it takes approximately one half hour, if there are no problems, to open a case, take the application and fill out all the questions, (the form has been passed out to you) prepare the license and prepare a stamped envelope back to the Clerk's office before it is given to the couple. The marriage license is returned to the Clerk's office after the marriage, by the person who married the couple. It is then recorded, a copy of the application is prepared to be sent to the Bureau of Vital Statistics, the original application is filed and it is recorded , microfilmed and scanned and then the license is mailed back to the couple. The case is then closed. This can easily take another one half hour of a Clerk's time.

Costs to the office of Clerk of District Court are: Cost of paper for the license, cost of the computer programs to print the license, and costs of the updating if the Clerk's are using the computer. In some counties the Marriage License forms are in large books and they are hand written or typed by the Clerk. When the couple comes into the Clerk of Court Office for a Marriage License they are placed under oath by the Clerk. The Clerk checks picture identifications to make certain both parties are at least 18 years old and are who they say they are. The Clerk checks to make certain the blood test certificate

presented by the bride is signed by both parties. If either of the parties getting married has ever been married before a required certified copy of their divorce decree or a certified copy of the death certificate if the person was widowed. Many times the couple does not have this information with them, and rather than turn them away, the Clerk makes phone calls to verify that the person is indeed single, and legal to remarry. The copy of the Decree of Divorce, or Death Certificate is then faxed to our offices, by the proper agency, to be attached to the application. This is another cost to our counties. The \$10.00 will certainly help offset the costs to the county, for the Clerk's to issue marriage licenses. The Clerk's do not feel that the \$10.00 is excessive, when you take into consideration that an hour of a Clerk's time has been expended. In consideration that Clerk's are paid anywhere from \$8.00 to \$12.00 on up per hour this does not leave a lot to cover the "other" expenses. Some of the busier counties like Yellowstone and Flathead have a dedicated person who just do Marriage Licenses. The \$10.00 will certainly help defray costs.

In the beginning when the \$.25 was allowed, it was very adequate to cover costs. Now the \$.25 cents is simply a nuisance. Clerks are forced to make change, and always make certain they have plenty of quarters on hand. The Montana Association of Clerks of District Court will appreciate a yes vote by you, the House Judiciary Committee. Are there any questions?

Testimony prepared by: Carole Carey, Clerk of the District Court, Carter County, Ekalaka, Mt.

MARRIAGE LICENSE FEE HISTORY:

(This was researched in Carter County back to the county formation in 1917)

<u>YEAR</u>	<u>FEE FOR A MARRIAGE LICENSE</u>
1917	\$2.00
JULY 1943	2.25
1967	5.00
JULY 1968	5.25
JULY 1975	15.25
JULY 1979	25.25
OCT. 1981	30.25

Prior to March 1967 all fees collected by the Clerk of District Court were deposited in the County General Fund. In March 1969 this changed when a portion of each fee was sent to the State of Montana to fund the Judges Retirement System. In January 1980 a new trend started when a portion of the court fees were deposited in the Montana State General Fund for special earmarked funds. None of this was ever done with the prior permission of the Clerks of District Court. This fee erosion kept progressing until the counties were only keeping \$.25 from each marriage license, and that was deposited into the county general fund.

It has always been the understanding of the Clerks of Court that the whole purpose of the \$.25 cent fee initiated in 1943 was to help defray costs for the marriage license forms, recording books, microfilm, Clerk's preparation time, phone calls, etc.

CLERK OF COURT

MONTANA MARRIAGE APPLICATION

4. STATE FILE NUMBER

1. MARRIAGE LICENSE NUMBER

2. COUNTY
Carter County

3. DATE LICENSE ISSUES (Month, Day, Year)
February 17, 2005

5a. GROOM'S NAME first		Middle	Last	5b. SOCIAL SECURITY NO.
6a. RESIDENCE- State and Zip		6b. COUNTY	6c. STREET & NUMBER, CITY, TOWN OR LOCATION	
7. BIRTHPLACE (City, County and State or Country)			8a. DATE OF BIRTH (Month, Day, Year)	8b. AGE
9a. FATHER'S NAME (First, Middle, Last)		9b. ADDRESS (City & State)		9c. Birthplace (State or Foreign Country)

10a. MOTHER'S NAME (First, Middle, maiden Surname)		10b. ADDRESS (If Different)		10c. Birthplace (State or Foreign Country)
11. RACE-American Indian, Black, White, Etc (Specify)	12. SEX Male	EDUCATION (Specify only highest grade completed) Elementary - Secondary: (10-12) College: (1,2,3,4, or 5+)		
14. Number of this Marriage First, Second, Etc. (Specify)	Previous Marriage			
	15a. Terminated by	15b. Name of Wife (First and Maiden Surname)	15c. Place of dissolution or death (County and state)	15d. Date dissolution or death (Month, Day, Year)
16a. BRIDE'S NAME First		Middle	Last	16b. MAIDEN SURNAME (if different)
17a. RESIDENCE- State and Zip		17b. COUNTY	17c. STREET & NUMBER, CITY, TOWN OR LOCATION	
18. BIRTHPLACE (City, County and State or Country)			8a. DATE OF BIRTH (Month, Day, Year)	8b. AGE

20a. FATHER'S NAME (First, Middle, Last)		20b. ADDRESS (City & State)		20c. Birthplace (State or Foreign Country)
21a. MOTHER'S NAME (First, Middle, maiden Surname)		21b. ADDRESS (If different)		21c. Birthplace (State or Foreign Country)
22. RACE-American Indian, Black, White, Etc (Specify)	22. SEX Female	EDUCATION (Specify only highest grade completed) Elementary - (10-12) Secondary: College: (1,2,3,4, or 5+)		
Number of this marriage First, Second, Etc. (Specify)	Previous Marriage			
	15a. Terminated by	15b. Name of husband	15c. Place of dissolution or death (County and State)	15d. Date dissolution or death (Month, Day, Year)

27. DATE OF MARRIAGE (Month, Day, Year)		28. PLACE OF MARRIAGE (County)		
29. OFFICIANT			30. RELIGIOUS OR CIVIL OFFICIAL (Specify)	
31a. LOCAL OFFICIAL MAKING REPORT TO STATE HEALTH DEPARTMENT (Signature and Title)			31b. DATE RECEIVED BY LOCAL OFFICIAL (Month, Day, Year)	
32a. ARE THE PARTIES RELATED? <input type="checkbox"/> Yes <input type="checkbox"/> No	32b. RELATIONSHIP		34. EITHER PARTY UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR NARCOTIC DRUGS? <input type="checkbox"/> Yes <input type="checkbox"/> No	
33a. PRIOR APPLICATION REJECTED? <input type="checkbox"/> Yes <input type="checkbox"/> No	REASON AND DATE			

35a. FUTURE ADDRESS- STREET & NUMBER	35b. CITY, STATE & ZIP CODE	35c. TELEPHONE NUMBER
WE HEREBY CERTIFY THAT THE INFORMATION PROVIDED IS CORRECT TO THE BEST OF OUR KNOWLEDGE AND BELIEF AND THAT WE ARE FREE TO MARRY UNDER THE LAWS OF THIS STATE		

36a. BRIDE'S SIGNATURE		36b. GROOM'S SIGNATURE	
37. SUBSCRIBED AND SWORN TO BEFORE ME THIS: Day of February , 2005. CAROLE CAREY Clerk of Court BY _____ Deputy Recorded: Book _____ Page _____		36. Proof of Age <input type="checkbox"/> BIRTH CERTIFICATE <input type="checkbox"/> DRIVER'S LICENSE <input type="checkbox"/> OTHER (Specify)	39. PERMISSION GRANTED PURSUANT TO 40-1-213 M.C.A. (Underage) DATE _____, 2005 _____ District Judge