

HOUSE BILL NO. 223

INTRODUCED BY C. CLARK

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING DEATH CERTIFICATE FEES AND PROVIDING FOR THEIR USE AS A FUNDING SOURCE FOR THE BOARD OF FUNERAL SERVICE; AMENDING SECTIONS 7-4-2631 AND 50-15-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

NEW SECTION. Section 1. Funding from death certificate fees -- uses. (1) The department shall deposit into the state special revenue fund for use by the board \$3 of the fee received for each certified copy of a death certificate; AND each additional certified copy of a death certificate; ISSUED BY A COUNTY UNDER 7-4-2631 OR THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES UNDER 50-15-111 and each ~~informal~~ INFORMATIONAL copy of a death certificate issued by ~~a county or~~ the department of public health and human services ~~under 7-4-2631 or 50-15-111, respectively.~~

(2) The revenue received by the board under subsection (1) must be used by the board for general administration of the board.

(3) THE BOARD MAY NOT REDUCE LICENSE FEES TO LESS THAN THE AVERAGE LICENSE FEES OF THE FOUR STATES CONTIGUOUS TO MONTANA.

Section 2. Section 7-4-2631, MCA, is amended to read:

"7-4-2631. Fees of county clerk. (1) Except as provided in 7-2-2803(4), 7-4-2632, and 7-4-2637, the county clerks shall charge, for the use of their respective counties:

(a) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$5;

(b) for filing of subdivision and townsite plats, \$10 plus:

(i) for each lot up to and including 100, 50 cents;

(ii) for each additional lot in excess of 100, 25 cents;

(c) for filing certificates of surveys and amendments ~~thereto~~ to the certificates of surveys, \$25 plus 50 cents ~~per for each~~ tract or lot;



- 1 (d) for each page of a document required to be recorded with a subdivision, townsite plat, or certificate
2 of survey, \$1;
- 3 (e) for a copy of a record or paper:
- 4 (i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and
5 (ii) for each certification with seal affixed, \$2;
- 6 (f) for searching an index record of files of the office for each year when required in abstracting or
7 otherwise, 50 cents;
- 8 (g) for administering an oath with certificate and seal, no charge;
- 9 (h) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;
- 10 (i) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed
11 under those sections;
- 12 (j) for recording each stock subscription and contract, stock certificate, and articles of incorporation for
13 water users' associations, \$3;
- 14 (k) for filing a copy of notarial commission and issuing a certificate of official character of such notary
15 public, \$2;
- 16 (l) (i) for each certified copy of a birth certificate, \$5, ~~and;~~
17 (ii) for each certified copy of a death certificate, ~~\$3;~~ \$15, and for each additional certified copy of the same
18 record ordered at the same time as the first certified copy, ~~\$8;~~ \$6; AND
19 (iii) for an informal, noncertified copy of a death certificate, \$13; and
20 (iv)(iii) for the filing of an original death certificate, an amount, if any, to be determined by the county by
21 resolution and deposited in the county general fund;
- 22 (m) for filing, recording, or indexing any other instrument not expressly provided for in this section or
23 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.
- 24 (2) The county clerks shall charge, for the use of their respective counties, the fee as provided in
25 7-4-2632 for recording and indexing the following:
- 26 (a) each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate
27 that the instrument has been recorded with the seal affixed; and
- 28 (b) each affidavit of annual labor on a mining claim, including a certificate that the instrument has been
29 recorded with the seal affixed.
- 30 (3) State agencies submitting documents to be put of record shall pay the fees provided for in this

1 section. If a state agency or political subdivision has requested an account with the county clerk, any applicable
2 fees must be paid on a periodic basis.

3 (4) (a) A county shall transfer to the department of labor and industry for deposit as provided in [section
4 1] \$3 of each fee collected under ~~subsections~~ SUBSECTION (1)(l)(ii) and ~~(1)(l)(iii)~~ of this section.

5 (b) The fees must be transferred monthly unless the department of labor and industry and the county
6 have agreed to a different period."

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8 **Section 3.** Section 50-15-111, MCA, is amended to read:

9 **"50-15-111. Certified copy fee -- exceptions -- transfer.** (1) The Subject to a minimum charge required
10 by subsection (1)(a)(ii), the department shall prescribe, by rule, a fee for:

11 (a) (i) a certified copy of certificates or records other than a death certificate;

12 (ii) a death certificate, which at a minimum must be:

13 (A) \$15 for each certified copy of a death certificate;

14 (B) \$8 for each additional certified copy of a death certificate requested at the same time as the first copy;

15 and

16 (C) \$13 for each ~~informal~~ INFORMATIONAL copy of a death certificate;

17 (b) a search of files or records when a copy is not made;

18 (c) a copy of information provided for statistical or administrative purposes as allowed by law;

19 (d) the replacement of a birth certificate subsequent to adoption, legitimation, paternity determination
20 or acknowledgment, or court order;

21 (e) filing a delayed registration of a vital event;

22 (f) the amendment of a vital record, after 1 year from the date of filing; and

23 (g) other services specified by this chapter or by rule.

24 (2) Fees Except as provided in subsection (3), fees received under subsection (1) must be deposited
25 in the state special revenue fund to be used by the department for:

26 (a) the maintenance of indexes to vital records;

27 (b) the preservation of vital records; and

28 (c) the administration of the system of vital statistics.

29 (3) The department shall transfer to the department of labor and industry for use as specified in [section
30 1] \$3 of each fee charged under subsection (1)(a)(ii) of this section."

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2 NEW SECTION. **Section 4. Codification instruction.** [Section 1] is intended to be codified as an

3 integral part of Title 37, chapter 19, part 2, and the provisions of Title 37, chapter 19, part 2, apply to [section 1].

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5 NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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