

HOUSE BILL NO. 223

INTRODUCED BY C. CLARK

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; REQUIRING THE BOARD TO REPORT TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE; AMENDING SECTIONS 7-4-2631 AND 50-15-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION 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.

(4) (A) THE BALANCE IN THE STATE SPECIAL REVENUE FUND MAY BE NO MORE THAN THE TOTAL OF THE INCOME GENERATED BY LICENSING FEES PLUS AN EQUIVALENT AMOUNT FROM INCOME GENERATED BY THE DEATH CERTIFICATE FEES DEPOSITED UNDER SUBSECTION (1).

(B) ANY AMOUNT OF INCOME GENERATED BY THE DEATH CERTIFICATE FEES THAT IS GREATER THAN THE AMOUNT IN SUBSECTION (4)(A) MUST BE DEPOSITED IN THE STATE GENERAL FUND UPON CERTIFICATION BY THE DEPARTMENT THAT ADDITIONAL FUNDS ARE NOT NEEDED FOR SPECIAL CIRCUMSTANCES AS PROVIDED IN 17-2-302(2).

(5) IN EVEN-NUMBERED CALENDAR YEARS, BEGINNING IN JULY 2016, THE BOARD SHALL REPORT TO THE ECONOMIC AFFAIRS INTERIM COMMITTEE THE STATUS OF THE SPECIAL REVENUE ACCOUNT AND FEES CHARGED AS A FUNDING SOURCE FOR THE BOARD.

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

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

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

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

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

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

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

11 (d) for each page of a document required to be recorded with a subdivision, townsite plat, or certificate
12 of survey, \$1;

13 (e) for a copy of a record or paper:

14 (i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and

15 (ii) for each certification with seal affixed, \$2;

16 (f) for searching an index record of files of the office for each year when required in abstracting or
17 otherwise, 50 cents;

18 (g) for administering an oath with certificate and seal, no charge;

19 (h) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

20 (i) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed
21 under those sections;

22 (j) for recording each stock subscription and contract, stock certificate, and articles of incorporation for
23 water users' associations, \$3;

24 (k) for filing a copy of notarial commission and issuing a certificate of official character of such notary
25 public, \$2;

26 (l) ~~(i)~~ for each certified copy of a birth certificate, \$5, ~~and;~~

27 ~~(ii)~~ for each certified copy of a death certificate, \$3; \$15, and for each additional certified copy of the same
28 record ordered at the same time as the first certified copy, \$8; \$6; AND

29 ~~(iii)~~ for an informal, noncertified copy of a death certificate, \$13; and

30 ~~(iv)~~ (iii) for the filing of an original death certificate, an amount, if any, to be determined by the county by

1 resolution and deposited in the county general fund;

2 (m) for filing, recording, or indexing any other instrument not expressly provided for in this section or
3 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

4 (2) The county clerks shall charge, for the use of their respective counties, the fee as provided in
5 7-4-2632 for recording and indexing the following:

6 (a) each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate
7 that the instrument has been recorded with the seal affixed; and

8 (b) each affidavit of annual labor on a mining claim, including a certificate that the instrument has been
9 recorded with the seal affixed.

10 (3) State agencies submitting documents to be put of record shall pay the fees provided for in this
11 section. If a state agency or political subdivision has requested an account with the county clerk, any applicable
12 fees must be paid on a periodic basis.

13 (4) (a) A county shall transfer to the department of labor and industry for deposit as provided in [section
14 1] \$3 of each fee collected under ~~subsections~~ SUBSECTION (1)(l)(ii) and ~~(1)(l)(iii)~~ of this section.

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

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

19 **"50-15-111. Certified copy fee -- exceptions -- transfer.** (1) The Subject to a minimum charge required
20 by subsection (1)(a)(ii), the department shall prescribe, by rule, a fee for:

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

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

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

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

25 and

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

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

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

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

- 1 (e) filing a delayed registration of a vital event;
- 2 (f) the amendment of a vital record, after 1 year from the date of filing; and
- 3 (g) other services specified by this chapter or by rule.
- 4 (2) ~~Fees~~ Except as provided in subsection (3), fees received under subsection (1) must be deposited
- 5 in the state special revenue fund to be used by the department for:
- 6 (a) the maintenance of indexes to vital records;
- 7 (b) the preservation of vital records; and
- 8 (c) the administration of the system of vital statistics.
- 9 (3) The department shall transfer to the department of labor and industry for use as specified in [section
- 10 1] \$3 of each fee charged under subsection (1)(a)(ii) of this section."
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12 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an

13 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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15 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval.

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17 NEW SECTION. SECTION 6. TERMINATION. [THIS ACT] TERMINATES JUNE 30, 2017.

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