

HOUSE BILL NO. 176

INTRODUCED BY T. NELSON, FAGG, WHALEN

IN THE HOUSE

JANUARY 15, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON HUMAN SERVICES & AGING.

                                  FIRST READING.

JANUARY 19, 1991                   COMMITTEE RECOMMEND BILL  
DO PASS AS AMENDED. REPORT ADOPTED.

JANUARY 21, 1991                   PRINTING REPORT.

JANUARY 23, 1991                   SECOND READING, DO PASS AS AMENDED.

JANUARY 24, 1991                   ENGROSSING REPORT.

JANUARY 25, 1991                   THIRD READING, PASSED.  
AYES, 77; NOES, 20.

                                  TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 25, 1991                   INTRODUCED AND REFERRED TO COMMITTEE  
ON PUBLIC HEALTH, WELFARE, & SAFETY.

                                  FIRST READING.

MARCH 14, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 16, 1991                   ON MOTION, TAKEN FROM SECOND READING  
AND REREFFERED TO COMMITTEE ON PUBLIC  
HEALTH, WELFARE, & SAFETY.

MARCH 21, 1991                   COMMITTEE RECOMMEND BILL BE  
CONCURRED IN AS AMENDED. REPORT  
ADOPTED.

MARCH 22, 1991                   SECOND READING, CONCURRED IN.

MARCH 23, 1991                   THIRD READING, CONCURRED IN.  
AYES, 39; NOES, 8.

                                  RETURNED TO HOUSE.

IN THE HOUSE

APRIL 8, 1991

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *HOUSE* BILL NO. *176*  
 2 INTRODUCED BY *Jan Nelson Jazz Whalen*

3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEE FOR  
 5 OBTAINING CERTIFIED COPIES OF BIRTH AND DEATH CERTIFICATES  
 6 AND FOR FILING CERTAIN INSTRUMENTS REQUIRED BY LAW TO BE  
 7 FILED WITH THE COUNTY CLERK; AND AMENDING SECTION 7-4-2631,  
 8 MCA."  
 9

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

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

12 "7-4-2631. Fees of county clerk. (1) Except as provided  
 13 in 7-4-2632, the county clerks must charge, for the use of  
 14 their respective counties:

15 (a) for recording and indexing each certificate of  
 16 location of a quartz or placer mining claim or millsite  
 17 claim, including a certificate that the instrument has been  
 18 recorded with seal affixed, \$6;

19 (b) for recording and indexing each affidavit of annual  
 20 labor on a mining claim, including certificate that the  
 21 instrument has been recorded with seal affixed:

22 (i) for the first mining claim in the affidavit, \$3;  
 23 and

24 (ii) for each additional mining claim included in it, 50  
 25 cents;

1 (c) for filing and indexing each writ of attachment,  
 2 execution, certificate of sale, lien, or other instrument  
 3 required by law to be filed and indexed, \$2 ~~\$5~~;

4 (d) for filing of subdivision and townsite plats, \$5  
 5 plus:

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

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

8 (e) for filing certificates of surveys and amendments  
 9 thereto, \$5 plus 50 cents per tract or lot;

10 (f) for a copy of a record or paper:

11 (i) for the first page of any document, 50 cents, and  
 12 25 cents for each subsequent page; and

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

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

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

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

21 (j) for filing, indexing, or other services provided  
 22 for by 30-9-401 through 30-9-407, the fees prescribed under  
 23 those sections;

24 (k) for recording each stock subscription and contract,  
 25 stock certificate, and articles of incorporation for water



LC 0729/01

1 users' associations, \$3;

2 (1) for filing a copy of notarial commission and  
3 issuing a certificate of official character of such notary  
4 public, \$2;

5 (m) for each certified copy of a birth certificate or a  
6 death certificate, ~~\$3~~ \$5;

7 (n) for filing, recording, or indexing any other  
8 instrument not expressly provided for in this section or  
9 7-4-2632, the same fee provided in this section or 7-4-2632  
10 for a similar service.

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

-End-

STATE OF MONTANA - FISCAL NOTE  
Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0176, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

The proposed legislation would increase the fee for obtaining certified copies of birth and death certificates and for filing certain instruments required by law to be filed with the county clerk.

ASSUMPTIONS:


1. Fees charged under 7-4-2631, MCA, which are being amended by this bill are charged and retained by counties.
2. Revenue for counties will be increased by \$2 for each certified copy of a birth or death certificate and \$3 for each writ of attachment, execution, certificate of sale, lien, or other instrument required to be filed and indexed. The number of these provided or processed each year on a statewide basis is unknown.
3. State agencies may be required by statute to pay these fees; however, it is assumed that the amount of fees paid by state agencies in any given year is minimal.

FISCAL IMPACT:

Impact to state agencies can not be determined, but is assumed to be minimal.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

The increase in fees will generate revenue increases for all counties relative to the number of documents processed annually.

  
ROD SUNDSTED, BUDGET DIRECTOR      1-18-91  
Office of Budget and Program Planning      DATE

  
THOMAS E. NELSON, PRIMARY SPONSOR      1-18-91  
DATE

Fiscal Note for HB0176, as introduced

HB 176

APPROVED BY COMM. ON  
HUMAN SERVICES AND AGING

HOUSE BILL NO. 176

INTRODUCED BY T. NELSON, FAGG, WHALEN

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEE FOR OBTAINING CERTIFIED COPIES OF BIRTH AND DEATH CERTIFICATES AND FOR FILING CERTAIN INSTRUMENTS REQUIRED BY LAW TO BE FILED WITH THE COUNTY CLERK; AND AMENDING SECTION 7-4-2631, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

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

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

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

(b) for recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed:

(i) for the first mining claim in the affidavit, \$3; and

(ii) for each additional mining claim included in it, 50 cents;

(c) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$2 ~~\$5~~;

(d) for filing of subdivision and townsite plats, \$5 plus:

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

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

(e) for filing certificates of surveys and amendments thereto, \$5 plus 50 cents per tract or lot;

(f) for a copy of a record or paper:

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

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

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

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

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

(j) for filing, indexing, or other services provided for by 30-9-401 through 30-9-407, the fees prescribed under those sections;

(k) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water

**SECOND READING**



1 users' associations, \$3;

2 (1) for filing a copy of notarial commission and  
3 issuing a certificate of official character of such notary  
4 public, \$2;

5 (m) for each certified copy of a birth certificate or a  
6 death certificate, ~~\$3~~ \$5;

7 (n) for filing, recording, or indexing any other  
8 instrument not expressly provided for in this section or  
9 7-4-2632, the same fee provided in this section or 7-4-2632  
10 for a similar service.

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

16 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS  
17 EFFECTIVE JULY 1, 1991.

-End-

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(b) for recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed:

(i) for the first mining claim in the affidavit, \$3; and

(ii) for each additional mining claim included in it, 50 cents;

(c) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$2 \$5;

(d) for filing of subdivision and townsite plats, \$5 plus:

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

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

(e) for filing certificates of surveys and amendments thereto, \$5 plus 50 cents per tract or lot;

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(k) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water

THIRD READING

HB 176 AS AMENDED





1 users' associations, \$3;

2 (1) for filing a copy of notarial commission and  
3 issuing a certificate of official character of such notary  
4 public, \$2;

5 (m) for each certified copy of a birth certificate ~~or a~~  
6 ~~death certificate, \$3~~ \$5, \$5, AND FOR EACH CERTIFIED COPY OF  
7 A DEATH CERTIFICATE, \$3;

8 (n) for filing, recording, or indexing any other  
9 instrument not expressly provided for in this section or  
10 7-4-2632, the same fee provided in this section or 7-4-2632  
11 for a similar service.

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

17 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS  
18 EFFECTIVE JULY 1, 1991.

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 14, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 176 (third reading copy -- blue), respectfully report that House Bill No. 176 be amended and as so amended be concurred in:

1. Page 3, lines 6 and 7.

Following: "\$5" on line 6

Strike: remainder of line 6 through "\$3" on line 7

2. Page 3, line 8.

Following: line 7

Insert: "(n) for certified copies of a death certificate, \$5 for the first 10 copies and \$2 for each copy thereafter;"

Renumber: subsequent subsection

Signed: \_\_\_\_\_

  
Dorothy Eck, Chairman

*1991* 3-14-91  
Amd. Coord.

SB 3-14 12:35  
Sec. of Senate

SENATE  
HB 176

SENATE STANDING COMMITTEE REPORT

Page 1 of 1  
March 21, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 176 (third reading copy as amended -- blue), respectfully report that House Bill No. 176 be amended and as so amended be concurred in:

Strike the Public Health, Welfare, and Safety Senate Standing Committee Report amendments dated March 14, 1991 in their entirety.

Signed: *Dorothy Eck*  
Dorothy Eck, Chairman

*JA* 3-21-91  
Ad. Coord.

*JB* 3-21 9:45  
Sec. of Senate

SENATE  
HB 176

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1 users' associations, \$3;

2 (1) for filing a copy of notarial commission and  
3 issuing a certificate of official character of such notary  
4 public, \$2;

5 (m) for each certified copy of a birth certificate or a  
6 ~~death certificate, \$3 \$5, \$57-AND-FOR-EACH-CERTIFIED-COPY-OF~~  
7 ~~A-DEATH-CERTIFICATE, \$3, AND FOR EACH CERTIFIED COPY OF A~~  
8 ~~DEATH CERTIFICATE, \$3;~~

9 ~~(N) --FOR-CERTIFIED-COPIES-OF-A-DEATH-CERTIFICATE, \$5-FOR~~  
10 ~~THE-FIRST-10-COPIES-AND-\$2-FOR-EACH-COPY-THEREAFTER,~~

11 ~~(N)~~ for filing, recording, or indexing any other  
12 instrument not expressly provided for in this section or  
13 7-4-2632, the same fee provided in this section or 7-4-2632  
14 for a similar service.

15 (2) State agencies submitting documents to be put of  
16 record shall pay the fees provided for in this section. If a  
17 state agency or political subdivision has requested an  
18 account with the county clerk, any applicable fees must be  
19 paid on a periodic basis."

20 NEW SECTION. SECTION 2. EFFECTIVE DATE. [THIS ACT] IS  
21 EFFECTIVE JULY 1, 1991.

-End-