





STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB0813, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

An act creating a county records preservation fund; increasing the fee for recording a document by mechanical means; amending section 7-4-2632, MCA; and providing an effective date.

ASSUMPTIONS:

1. The proposed legislation does not impact the revenues or expenditures of any state agency.


FISCAL IMPACT:

None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Data on the fees generated by photocopying records, as referenced in 7-4-2632, MCA, is not readily available. A telephone survey of officials at a sampling of clerk and recorder offices indicated the proposed 20% fee increase should generate sufficient revenue to microfilm records and other important documents.

  
\_\_\_\_\_  
ROD SUNDSTED, BUDGET DIRECTOR      7-18-91      DATE  
Office of Budget and Program Planning

  
\_\_\_\_\_  
MARK O'KEEFE, PRIMARY SPONSOR      7/20/91      DATE  
Fiscal Note for HB0813, as introduced.

HB 813

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

HOUSE BILL NO. 813

INTRODUCED BY O'KEEFE, THOFT, MCCARTHY, MCCAFFREE, COBB

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COUNTY RECORDS PRESERVATION FUND; INCREASING THE FEE FOR RECORDING A DOCUMENT BY MECHANICAL MEANS; AMENDING SECTION 7-4-2632, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

**Section 1.** Section 7-4-2632, MCA, is amended to read:

**"7-4-2632. Fee when recording done by mechanical means.**

Where recording is done by photographic or similar process, the county clerk and recorder shall charge \$5 ~~\$6~~ for each page or fraction of a page of the instrument for recording."

**NEW SECTION. Section 2. Records preservation fund authorized.** (1) The board of county commissioners shall establish a records preservation fund for the purpose of preserving the records maintained by the county clerk and recorder. The county clerk and recorder is responsible for expenditures from the fund AND SHALL USE THE MONEY FOR RECORDS PRESERVATION.

(2) The county clerk and recorder shall deposit \$1 of the fee received under 7-4-2632 into the records preservation fund.

(3) THE GOVERNING BODY OF THE COUNTY MAY TRANSFER TO

THE GENERAL FUND ANY MONEY IN THE RECORDS PRESERVATION FUND THAT IS NOT NEEDED FOR RECORDS PRESERVATION.

**NEW SECTION. Section 3.** Effective date. [This act] is effective July 1, 1991.

-End-



1 HOUSE BILL NO. 813  
 2 INTRODUCED BY O'KEEFE, THOPT, MCCARTHY, MCCAFFREE, COBB  
 3  
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COUNTY  
 5 RECORDS PRESERVATION FUND; INCREASING THE FEE FOR RECORDING  
 6 A DOCUMENT BY MECHANICAL MEANS; AMENDING SECTION 7-4-2632,  
 7 MCA; AND PROVIDING AN EFFECTIVE DATE."  
 8

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

10 **Section 1.** Section 7-4-2632, MCA, is amended to read:

11 "7-4-2632. Fee when recording done by mechanical means.  
 12 Where recording is done by photographic or similar process,  
 13 the county clerk and recorder shall charge \$5 ~~\$6~~ for each  
 14 page or fraction of a page of the instrument for recording."

15 NEW SECTION. Section 2. Records preservation fund  
 16 authorized. (1) The board of county commissioners shall  
 17 establish a records preservation fund for the purpose of  
 18 preserving the records maintained by the county clerk and  
 19 recorder. The county clerk and recorder is responsible for  
 20 expenditures from the fund AND SHALL USE THE MONEY FOR  
 21 RECORDS PRESERVATION.

22 (2) The county clerk and recorder shall deposit \$1 of  
 23 the fee received under 7-4-2632 into the records  
 24 preservation fund.

25 (3) THE GOVERNING BODY OF THE COUNTY MAY TRANSFER TO

1 THE GENERAL FUND ANY MONEY IN THE RECORDS PRESERVATION FUND  
 2 THAT IS NOT NEEDED FOR RECORDS PRESERVATION.

3 NEW SECTION. Section 3. Effective date. [This act] is  
 4 effective July 1, 1991.

-End-



1                   HOUSE BILL NO. 813  
 2           INTRODUCED BY O'KEEFE, THOPT, MCCARTHY, MCCAFFREE, COBB  
 3  
 4   A BILL FOR AN ACT ENTITLED: "AN ACT CREATING A COUNTY  
 5   RECORDS PRESERVATION FUND; INCREASING THE FEE FOR RECORDING  
 6   A DOCUMENT BY MECHANICAL MEANS; AMENDING SECTION 7-4-2632,  
 7   MCA; AND PROVIDING AN EFFECTIVE DATE."  
 8

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

10       **Section 1.** Section 7-4-2632, MCA, is amended to read:  
 11       "7-4-2632. Fee when recording done by mechanical means.  
 12       Where recording is done by photographic or similar process,  
 13       the county clerk and recorder shall charge \$5 ~~\$6~~ for each  
 14       page or fraction of a page of the instrument for recording."

15       NEW SECTION. **Section 2.** Records preservation fund  
 16       authorized. (1) The board of county commissioners shall  
 17       establish a records preservation fund for the purpose of  
 18       preserving the records maintained by the county clerk and  
 19       recorder. The county clerk and recorder is responsible for  
 20       expenditures from the fund AND SHALL USE THE MONEY FOR  
 21       RECORDS PRESERVATION.

22       (2) The county clerk and recorder shall deposit \$1 of  
 23       the fee received under 7-4-2632 into the records  
 24       preservation fund.

25       (3) THE GOVERNING BODY OF THE COUNTY MAY TRANSFER TO

1   THE GENERAL FUND ANY MONEY IN THE RECORDS PRESERVATION FUND  
 2   THAT IS NOT NEEDED FOR RECORDS PRESERVATION.

3       NEW SECTION. **Section 3.** Effective date. [This act] is  
 4       effective July 1, 1991.

-End-

