

MINUTES OF THE MEETING OF THE LOCAL GOVERNMENT COMMITTEE  
January 18, 1983

The meeting of the Local Government Committee convened at 12:30 p.m., January 18, 1983, in Room 224A with Chairman Kathleen McBride presiding. All members were present.

HOUSE BILL 162. REP. YARDLEY, sponsor, said that the purpose of this bill is to eliminate duplication of records.

PROPONENTS:

ED WILKINSON, County Finance Director of Park County, stated that HOUSE BILL 162 attempts to revise laws as far as the financial records are maintained. There are three cash records maintained: (1) a cash record maintained in the County Treasurer's office, (2) a budget record maintained in the County Treasurer's office, and (3) cash and buying record for local school levels. It is the attempt of the bill to reduce one of the three separate accounting records that are maintained for school records.

CHARLES GRAVELEY, representing the County Treasurers, supported HOUSE BILL 162. He proposed an amendment to page 4, line 10, (EXHIBIT 1). He recommended a do pass as amended.

OPPONENTS: None

REP. YARDLEY closed the hearing by saying that the idea of the bill is to eliminate one of the budgets now being entertained in the city and county treasurers' offices. The county treasurer's office will maintain the necessary records for the issuing of warrants. He saw no problem with the amendment.

QUESTIONS:

REP. NEUMAN asked if there was any use made of this accounting. MR. WILKINSON replied that they are concerned mainly with cash.

REP. SALES inquired how they know when to register a warrant if the county does not keep a record. CHARLES GRAVELEY responded that they are not advocating not keeping the records. They are trying to eliminate the duplication.

REP. NEUMAN asked if he wanted to go and see what a particular school district was doing, how could he get the proper information. MR. WILKINSON said that there are four places one can go and look at the records: (1) the individual school district, (2) the county treasurer's office where they keep a ledger book by cash, (3) the county treasurer's office maintains a budget book, and (4) the county clerk and recorder's office.

REP. KADAS asked MR. WILKINSON'S opinion of MR. GRAVELEY'S amendment. MR. WILKINSON stated that he would rather have a straight-forward bill.

The hearing on HOUSE BILL 162 closed.

HOUSE BILL 208. REP. KEYSER, sponsor, introduced the bill as an act to provide that a special election on an alternative form of government may not be held less than 40 days after the election is called. This bill would allow the clerks and recorders more time to do their job. He read a letter from LORRAINE P. MOLITOR, Madison County Recorder, who stated that at least 50 days are required for the administrator to meet the requirements of the above, so that even with the above requested 40 days he cannot meet all that is required of him under the law (EXHIBIT 2).

PROPONENTS:

BILL ROMINE, representing the Clerks and Recorders, spoke in favor of the bill as it would make sure that they will have sufficient time to disseminate information to the voter (EXHIBIT 3).

JOANNE PERES, Montana Association of Clerks and Recorders, Choteau County, stated that her comments were similar to MR. ROMINE'S with the exception that 40 days is cutting it very thin.

REP. KEYSER closed by stating that the bill just says that the governing body shall call a special election on the question of an alternative form of government to be held at least 40 days after the election is called and within 120 days of the date of filing with the records administrator under 7-3-146.

During questions REP. HANSON inquired if this changed only the time limit. REP. KEYSER replied that that is right.

REP. HANSON asked if it changed the requirement for votes. REP. KEYSER said it did not.

REP. BERGENE asked JOANNE PERES if she wanted that kind of an amendment because she did not have as much staff as some of the other offices. JOANNE PERES replied that when you close registration thirty days before the election (and you have to add on another two weeks prior to that), it takes a little longer than 40 days.

The hearing closed on HOUSE BILL 208.

HOUSE BILL 171. REP. WILLIAMS, sponsor, stated this is an act to revise the laws relating to the annexation of land into a fire district by deleting the provision for protests by freeholders within the area of the existing fire district; requiring approval by the Board of Trustees of a petition for annexation to the fire district; requiring published notice of a hearing on a petition for annexation to a fire district; amending Section 7-33-2125, MCA. He said laws pertaining to an existing fire district make it difficult to take other people into the district.

PROPONENTS:

MERRILL H. KLUNDT, Chairman of Montana Association of Clerk and Recorders Legislative Committee and Yellowstone County Clerk and Recorder, stated that HOUSE BILL 171 provides a simpler and cheaper way for petitioners of privately owned lands, adjacent and not already a part of a fire district, to be annexed to an existing fire district upon the approval of the board of trustees of an existing fire district. Upon their approval, the request is presented to the Board of County Commissioners, who will hold a public hearing on each petition (EXHIBIT 4).

ETHEL HARDING, Lake County Clerk and Recorder, stated that this bill is very good in that the Board of Commissioners may approve or disapprove annexation. It will be advertised and people will be advised of the annexation process and will have an opportunity to come and be covered by a fire district and not be restricted by the 50% disapproval.

Additional written testimony is attached (EXHIBIT 5).

OPPONENTS: None

REP. WILLIAMS closed saying he thought this is a very good piece of legislation that gives the county commissioners more freedom in cutting out a lot of red tape.

During questioning, inquiries regarding HOUSE BILL 171 were answered to the satisfaction of all.

CHAIRMAN McBRIDE closed the hearing on HOUSE BILL 171.

HOUSE BILL 172. REP. WILLIAMS, sponsor, said this bill requires county clerks and recorders to charge for each entry instead of for each index for documents requiring multiple indexing; clarifying that copies of birth or death certificates for which a \$2 charge is imposed must be certified; raising the fee from \$2 a page to \$3 a page.

PROPOSERS:

MERRILL KLUNDT, Clerk and Recorders Association, stated that HOUSE BILL 172 is a bill which is making a few changes in the recording statutes (EXHIBIT 6).

GARY FRITZ, Administrator of the Water Resources Division of the Department of Natural Resources and Conservation, was concerned regarding the fiscal impact on the Department. This bill as written would increase their annual cost by \$18,700. It would also increase, over the life of the Water Rights Adjudication program, their cost by \$607,000. The Department of Natural Resources and Conservation is introducing legislation which would delete the requirement and statute that the Department have each water rights certificate recorded in the county offices. They will provide a summary to the county clerks and recorders office.

ETHEL HARDING, Lake County Clerk and Recorder, stated that in asking \$3 a page, they should be able to offset the expense of recording.

Additional written testimony is attached (EXHIBIT 7).

OPPOSERS: None

REP. WILLIAMS recommended DO PASS on HOUSE BILL 172.

QUESTIONS:

REP. KITSELMAN asked if the state absorbs user fees. GARY FRITZ stated that we are talking about two water programs--the new appropriations program - new permits, not the adjudication but new water right permits. In that case, the General Fund has been picking up the cost of recording those documents.

REP. HAND inquired approximately how much it costs to record a document. MERRILL KLUNDT could not answer the question. He did state that the fees received cover about 50% of the expenses.

REP. VINGER asked with regard to the water rights adjudication plan--wasn't there a fixed amount charged to the individual. Was that supported by the General Fund money? GARY FRITZ said that has been funded through an ear-marked account generated by a filing fee of \$40 per claim up to a maximum of 12 claims per division. The primary exemption filed in 1976 that limited funding to the program only required \$480 per division regardless of how many claims were filed. The General Fund will be tapped this fiscal year in the amount of \$500,000.

REP. VINGER asked if he wanted to file for a water right, how much would it cost. GARY FRITZ answered that if you are going to file for a new water right, a new fee schedule is set up-- a \$40 fee per claim. The fee schedule collects a part of the costs but not a very large percentage.

CHAIRMAN McBRIDE asked if legislation has been introduced regarding recording at the county level. GARY FRITZ replied that it has not. CHAIRMAN McBRIDE asked if that legislation passed, would it cut down on the debt impact that GARY FRITZ quoted. He indicated it would.

CHAIRMAN McBRIDE closed the hearing on HOUSE BILL 172.

Additional written testimony was presented (EXHIBIT 7).

EXECUTIVE SESSION:

HOUSE BILL 164. This bill changes the name "sprinkling districts" to "maintenance districts." This is mainly a name change reflecting the actual activity that is going on and expanding the functions of these districts to street maintenance.

REP. SALES moved DO PASS on HOUSE BILL 164. REP. WALDRON seconded the motion.

REP. KITSELMAN inquired regarding two points: (1) allowing "city and town" be changed to "governing body" and (2) question on the 12 days and three times for it to appear in the newspaper. Some areas do not have daily newspapers. REP. WALDRON said that in subsection 2, line 18, it states if there is no newspaper, then posting three days in three public places will be adequate. REP. KITSELMAN questioned if it was necessary to publish three times in the newspaper or is once sufficient.

REP. KITSELMAN proposed an amendment to this bill, line 2, page 5, to delete "the city and town council" and insert "governing body" and on line 14 strike "three times" and insert "two times." REP. WALDRON seconded the amendment. REP. BERGENE reminded the committee that on page 5, line 2, it probably would not be necessary to make an amendment, as it is statutorily understood that it means governing body. REP. KITSELMAN withdrew his motion regarding "governing body." A vote on the amendment was called and it did not carry. The motion that HOUSE BILL 164 DO PASS passed unanimously.

HOUSE BILL 208. CHAIRMAN McBRIDE stated that this bill pertains to amending the law regarding the calling of an election.

REP. KITSELMAN moved that HOUSE BILL 208 DO PASS. REP. HAND seconded the motion. The motion PASSED UNANIMOUSLY.

HOUSE BILL 171.

REP. SALES asked that when we are talking about annexation, we are only talking about one fire district annexing to another fire district. We are not talking about municipal boundaries. He asked if the section they are changing has to do with annexation of adjacent territory. REP. SALES moved that HOUSE BILL 171 DO PASS. REP. WALLIN seconded the motion.

REP. KITSELMAN asked if it would not preclude one person from protesting and holding up the process but at the same time the county commissioners may not annex that property; it could work to ease the annexation but could work the other way also. CHAIRMAN McBRIDE stated that it could make it easier for some people to get into the district and could prevent some people from getting in who wanted to be in. REP. BERTELSEN stated that it leaves the authority with the county commissioners.

REP. SWITZER said the newly annexed members would be participating in whatever kind of equipment they wanted to buy. REP. WALDRON stated it said "any outstanding warrant or bonded indebtedness of the original district." They will become liable for any equipment purchased but they will also be liable for any old equipment purchased.

The motion of DO PASS carried with REP. NEUMAN voting no.

HOUSE BILL 162.

REP. SALES moved that HOUSE BILL 162 DO PASS. REP. KADAS seconded the motion.

REP. SALES recommended that HOUSE BILL 162 include the amendment suggested by CHARLES GRAVELEY. REP. KADAS seconded the motion.

One minor change was suggested--"the above separate budgeted fund", would read "for each budgeted fund" which is the same language as used on page 3, line 3. Also on page 4, line 7, strike "and."

REP. NEUMAN asked if the amendment was consistent with the title.

CHAIRMAN McBRIDE stated that with the title saying "to eliminate the requirement," we are eliminating the requirement and merely making it optional.

The amendments' motion carried.

REP. HAND moved that HOUSE BILL 162 DO PASS AS AMENDED. REP. HANSEN seconded the motion.

REP. SALES asked regarding the repealer 20-9-222--he is concerned how the treasurer knows when to register these warrants. REP. KEENAN said the clerk within the school district has the recording of the warrants and REP. SANDS stated that the clerk and recorder has the original of all warrants. CHAIRMAN McBRIDE said regarding page 3, line 20, would the committee feel more comfortable making sure that we know where those warrants are being recorded before we take action. REP. PISTORIA moved that we get more information on this bill. The motion passed.

HOUSE BILL 121 is REP. VELEBER'S bill making clear the 3 year requirement between elections for changing the form of local governments.

REP. HAND moved that HOUSE BILL 121 DO PASS. REP. KADAS seconded the motion.

CHAIRMAN McBRIDE stated that we are striking the dates and inserting new language that would allow the three years to be included.

REP. HAND moved that the amendments be accepted by the Committee. REP. KADAS seconded the motion. The motion carried.

REP. SALES moved that HOUSE BILL 121 DO PASS AS AMENDED. The motion was seconded by REP. KADAS. The motion carried with REP. PISTORIA voting no.

The meeting adjourned at 1:55.

Kathleen McBride  
CHAIRMAN KATHLEEN McBRIDE

Gene Burnett  
Secretary

Amend HB 162 as follows:

Page 4 line 10:

Add a new section as follows:

*for each budgeted year*  
, and  
(11) the above separate budgeted fund accounting may, at the option of the local governing body, be accounted for as total revenue received, total expenditures and total cash balance accounts with cancelled paid warrants being returned at the end of each report period to the school district for its internal accounting.





# Office of County Recorder

MADISON COUNTY, MONTANA



To: THE HONORABLE KERRY R. KEYSER AND MEMBERS OF THE 48TH. LEGISLATURE

FROM: Lorraine P. Molitor, Madison County Recorder, Chairman of the Montana Association of Clerk & Recorders, Elections Committee.

Re: HOUSE BILL NO. ~~208~~ 208

Gentlemen:

Please enter the following testimony in support of House Bill No. 208 which, if enacted would amend Section 7-3-149 by adding language to provide a DEADLINE FOR CALLING FOR SPECIAL ELECTIONS.

13-10-208. (2) states in part as follows. "Not more than 40 days and not less than 30 days before the date of the primary election, the election administrator shall certify the names and designations of candidates....., and any ballot issues as shown in the official record of his office and have the official ballots printed". At least as much time is required to prepare for a special election as is required for any other election.

13-10-201(6) States in part that "Declarations for nomination shall be filed no .....later than 5:00 P.M., 50 days before the date of the primary election. Certainly as much time is required to prepare for a special election.

13-1-108 Requires that "Notice of any special election shall be published at least once a week for 3 successive weeks before the election."...

13-2-301 requires that the election administrator shall:

- a. Close registration for 30 days before any election; and
- b. Publish a notice specifying the day registration will close.....at least once a week for 3 weeks before close of registration.

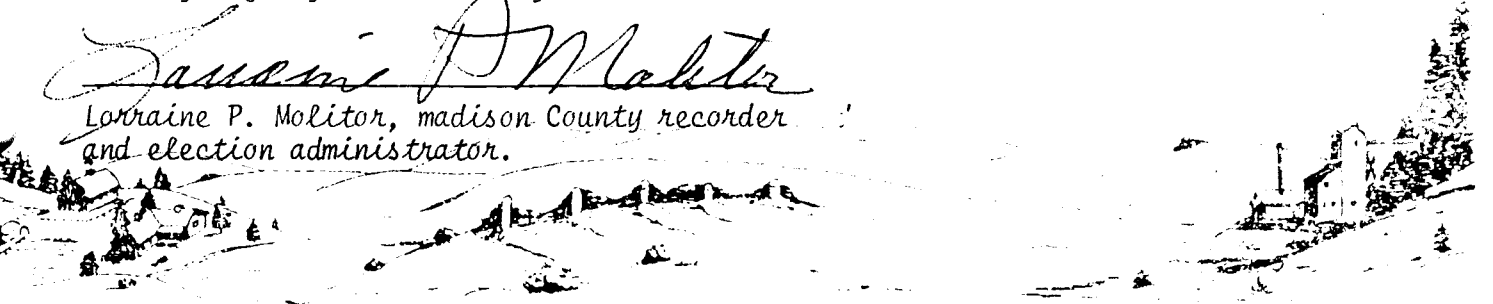
At least 50 days are required for the administrator to meet the requirements of the above, so that even with the above requested 40 days he cannot meet all that is required of him under the law.

This amendment to Sec. 13-10-208 would allow election administrators a little more time to do his job and relieve him of responsibilities wich he cannot fullfill.

Thank you for your time and your consideration.

*Lorraine P. Molitor*

Lorraine P. Molitor, madison County recorder and election administrator.



NAME: Bill Ramin DATE: 1-18-83

ADDRESS: Helen

PHONE: 442-2220

REPRESENTING WHOM? clerk & recorders

APPEARING ON WHICH PROPOSAL: HB 172

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: Under present law, the clerk gets a ~~fee~~ fee each time it is necessary to enter into the index book whether or not there ~~was~~ was one name in the index or two. This bill provides that each time a name is entered into the book, there is a 50¢ fee. In addition the recording fee is raised to \$3.00, an amount more likely to offset the costs involved.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

13-10-325. Withdrawal from nomination.  
13-10-326. Vacancy prior to primary election.  
13-10-327. Vacancy after primary and prior to general election.  
13-10-328. Vacancy in governor or lieutenant governor candidacy.

**Part 4 — Presidential Preference Primary**

13-10-401. Date of presidential primary.  
13-10-402. Ballot.  
13-10-403. Form of ballot.  
13-10-404. Nomination petition.  
13-10-405. Submission and verification of petition.  
13-10-406. Notification of candidates.  
13-10-407. Delegates to national presidential nominating conventions.

**Part 5 — Methods of Nomination Other Than by Primary Election**

13-10-501. Petition for nomination by independent candidates or political parties not eligible to participate in primary election.  
13-10-502. Signature requirements for petition.  
13-10-503. Filing deadlines.  
13-10-504. Independent or minor party candidates for president or vice president.  
13-10-505. Applicability.  
13-10-506. Repealed. Sec. 407, Ch. 571, L. 1979.

**Part 6 — Nominations by Political Parties**

13-10-601. Parties eligible for primary election — petitions by minor parties.  
13-10-602. Use of party name.  
13-10-603. Repealed. Sec. 407, Ch. 571, L. 1979.  
13-10-604. Nominations for minor parties.

**Part 1**

**General Provisions**

**13-10-101. Repealed.** Sec. 407, Ch. 571, L. 1979.  
History: En. Sec. 58, Ch. 368, L. 1969; R.C.M. 1947, 23-3303.

**Part 2**

**Preprimary Procedures**

**13-10-201. Declaration for nomination.** (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall send a declaration for nomination to the secretary of state or election administrator. Each candidate for governor shall send a joint declaration for nomination with a candidate for lieutenant governor.  
(2) A declaration for nomination shall be filed in the office of:  
(a) the secretary of state for a congressional office, state or district office to be voted for in more than one county, member of the legislature, or judge of the district court;

office (other than a member of the legislature or judge of the district to be voted for in only one county).

(3) Each candidate shall sign the declaration and send with required filing fee or, in the case of an indigent candidate, send with documents required by 13-10-203. The declaration for nomination shall be acknowledged by an officer empowered to acknowledge signatures if such mail or by the officer of the office at which the filing is made.

(4) The declaration, when filed, is conclusive evidence that the candidate for nomination by his party.

(5) The declaration for nomination shall be in the form and contain information prescribed by the secretary of state. The secretary of state or election administrator shall furnish declaration for nomination forms to individuals requesting them.

(6) Declarations for nomination shall be filed no sooner than the business day in January of an election year for that office and no later than 5 p.m. 50 days before the date of the primary election.

History: (1) thru (5) En. Sec. 59, Ch. 368, L. 1969; amd. Sec. 1, Ch. 28, L. 1973; amd. Sec. 24, L. 1975; amd. Sec. 14, Ch. 365, L. 1977; Sec. 23-3304, R.C.M. 1947; (6) En. Sec. 60, L. 1969; amd. Sec. 15, Ch. 365, L. 1977; Sec. 23-3305, R.C.M. 1947; R.C.M. 1947, 23-3303-4 (8), 23-3305; amd. Sec. 63, Ch. 571, L. 1979.

**13-10-202. Filing fees.** Filing fees are as follows:

- (1) for offices having an annual salary of \$2,500 or less and candidate the legislature, \$15;
- (2) for county offices having an annual salary of more than \$2,500 of the total annual salary;
- (3) for other offices having an annual salary of more than \$2,500, the total annual salary;
- (4) for offices in which compensation is paid in fees, \$10;
- (5) for officers of political parties, presidential electors, and office receive no salary or fees, no filing fee is required.

History: En. Sec. 59, Ch. 368, L. 1969; amd. Sec. 1, Ch. 28, L. 1973; amd. Sec. 1, Ch. 1975; amd. Sec. 14, Ch. 365, L. 1977; R.C.M. 1947, 23-3304(5); amd. Sec. 64, Ch. 571, L. 1979.

**13-10-203. Indigent candidates.** If an individual is unable to pay filing fee, the filing officer shall accept the following documents in lieu of filing fee:

- (1) from a successful write-in candidate, a verified statement that the candidate is unable to pay the filing fee;
- (2) from a candidate for nomination, a verified statement that the candidate is unable to pay the filing fee and a written petition for nomination as of a date that meets the following requirements:
  - (a) contains the name of the office to be filled and the candidate and residence address;
  - (b) contains signatures numbering 5% or more of the total vote of the successful candidate for the same office at the last general election;
  - (c) the signatures are those of electors residing within the political division of the state in which the candidate petitions for nomination;
  - (d) the signatures have been certified by the appropriate election administrator by the procedure provided in 13-27-303 and 13-27-304.

History: En. Sec. 59, Ch. 368, L. 1969; amd. Sec. 1, Ch. 28, L. 1973; amd. Sec. 1, Ch. 1975; amd. Sec. 14, Ch. 365, L. 1977; R.C.M. 1947, 23-3304(7); amd. Sec. 65, Ch. 571, L. 1979.

April of each year, and is subject to the election procedures provided for in 13-1-401.  
History: En. Sec. 4, Ch. 368, L. 1969; R.C.M. 1947, 23-2604; amd. Sec. 4, Ch. 571, L. 1979; am. Sec. 5, Ch. 27, L. 1981.

**Compiler's Comments**  
1987 Amendment: Inserted "and not required to hold annual elections" in (2); substituted "on school election day, the first Tuesday of April of each year, and is subject to the election procedures provided for in 13-1-401" for "with the general election provided for in subsections (1) and (2). If a primary election is necessary, it shall be held at the same time as the primary provided for the regular general election for that year" in (3).

Time for election of directors of county water and sewer districts, 7-13-2236.  
Time for election of trustees of fire district 7-33-2106.  
Manner of conducting general elections for political subdivisions required to hold annual elections, 13-1-401.  
Election day school holiday under certain circumstances, 20-1-305.  
Election day as bank holiday, 32-1-481.  
Time for election of commissioners of irrigation districts, 85-7-1702.  
Time for election of commissioners of drainage districts, 85-8-302.

**Cross-References**  
General election day legal holiday, 1-1-216.  
13-1-105. Repealed. Sec. 407, Ch. 571, L. 1979.  
History: En. Sec. 56, Ch. 368, L. 1969; R.C.M. 1947, 23-3301.

13-1-106. Time of opening and closing of polls for all elections  
Polls must be open from 8 a.m. to 8 p.m., except polling places having fewer than 100 registered electors, which must be open from noon to 8 p.m. or until all registered electors in any precinct have voted, at which time the polls shall be closed immediately.  
History: En. Sec. 5, Ch. 368, L. 1969; amd. Sec. 4, Ch. 365, L. 1977; R.C.M. 1947, 23-2605; amd. Sec. 5, Ch. 571, L. 1979.

13-1-107. Times for holding primary elections. (1) On the first Tuesday after the first Monday in June preceding the general election provided for in 13-1-104(1), a primary election shall be held throughout the state.  
(2) On the Tuesday following the second Monday in September preceding the general election provided for in 13-1-104(2), a primary election, if required, shall be held throughout the state.  
History: En. Sec. 3, Ch. 571, L. 1979.

13-1-108. Notice of special elections. Notice of any special election shall be published at least once a week for the 3 successive weeks before the election on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the jurisdiction where the election will be held.  
History: En. Sec. 6, Ch. 571, L. 1979.

13-1-109. Election records open to public. Unless specifically provided otherwise, all records pertaining to elector registration and elections are public records. They shall be open for inspection during regular office hours.  
History: En. Sec. 15, Ch. 571, L. 1979.

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REGISTRATION OF ELECTORS  
13-2-401

who have been honorably discharged from the armed forces of the United States or who have terminated their service or employment outside the territorial limits of the United States too late to register at the time when and place where registration is required shall be entitled to register for the purpose of voting at the next ensuing election after such discharge or termination of employment up to noon on the day before the election. Said elector shall execute a sworn affidavit qualifying him under this section to be filed in the office of his registration. The county registrar shall provide to the person registering under the provisions of this section a certificate stating the precinct in which he is entitled to vote. This certificate shall be presented to the election judges of that precinct at the time of voting.  
History: En. 23-3724 by Sec. 1, Ch. 247, L. 1971; R.C.M. 1947, 23-3724.

Part 3  
Close of Registration

13-2-301. Close of registration — procedure. (1) The election administrator shall:

- (a) close registrations for 30 days before any election; and
- (b) publish a notice specifying the day registrations will close on radio or television as provided in 2-3-105 through 2-3-107 or in a newspaper of general circulation in the county at least once a week for 3 weeks before the close of registration.

(2) Information to be included in the notice shall be prescribed by the secretary of state.  
History: En. Sec. 35, Ch. 368, L. 1969; amd. Sec. 1, Ch. 385, L. 1971; R.C.M. 1947, 23-3016; amd. Sec. 34, Ch. 571, L. 1979.

13-2-302. Registration immediately before an election. An individual may register during the time when registration is closed preceding any election, and the election administrator shall keep his registration form in a separate file until it can be properly entered after the election.  
History: En. Sec. 36, Ch. 368, L. 1969; R.C.M. 1947, 23-3017; amd. Sec. 35, Ch. 571, L. 1979.

Part 4  
Cancellation and Challenge of Registration

13-2-401. Cancellation of registration for failure to vote — reregistration. (1) Except as provided in subsection (3), within 60 days after every general election in which a president is elected, the election administrator shall:

- (a) cancel the registration of the electors who have not voted in each precinct, as shown by the official pollbook and precinct register of each precinct;
- (b) mark the form of each elector whose registration has been canceled; and
- (c) place canceled forms for the entire county in alphabetical order in the

**13-10-204. Write-in nominations.** An individual nominated by having his name written in on the primary ballot and desiring to accept the nomination may not have his name printed on the general election ballot unless he:

(1) files with the secretary of state or election administrator no later than 10 days after the official canvass, a written declaration indicating his acceptance of the nomination;

(2) pays the required filing fee or, if indigent, complies with 13-10-203;

(3) received at least 5% of the total votes cast for the successful candidate for the same office at the last general election; and

(4) complies with the provisions of 13-37-126.

History: En. Sec. 59, Ch. 368, L. 1969; amd. Sec. 1, Ch. 28, L. 1973; amd. Sec. 1, Ch. 246, L. 1975; amd. Sec. 14, Ch. 365, L. 1977; R.C.M. 1947, 23-3304(6); amd. Sec. 64, Ch. 571, L. 1979.

**13-10-205. Register of candidates.** The secretary of state and the election administrator shall each keep a register of candidates who file with their respective offices. The register shall provide a complete record of the requisite information pertaining to all candidates in the primary and general election. Information on ballot issues may also be included in the register. The secretary of state shall prepare and distribute a recommended format for the register.

History: En. Sec. 61, Ch. 368, L. 1969; R.C.M. 1947, 23-3304(1), (2); amd. Sec. 67, Ch. 571, L. 1979.

**13-10-206. Repealed.** Sec. 407, Ch. 571, L. 1979.

History: En. Sec. 61, Ch. 368, L. 1969; R.C.M. 1947, 23-3304(3).

**13-10-207. Repealed.** Sec. 407, Ch. 571, L. 1979.

History: En. Sec. 61, Ch. 368, L. 1969; R.C.M. 1947, 23-3304(4).

**13-10-208. Certificate of primary ballot — printing ballot.** (1) Not more than 50 days and not less than 42 days before the date of the primary election, the secretary of state shall certify to the election administrators the names and designations of candidates, except as provided in 13-37-126, and any ballot issues as shown in the official records of his office in the manner provided in 13-10-209 and chapter 12, part 2, of this title.

(2) Not more than 40 days and not less than 30 days before the date of the primary election, the election administrator shall certify the names and designations of candidates, except as provided in 13-37-126, and any ballot issues as shown in the official record of his office and have the official ballots printed in the manner provided in 13-10-209 and chapter 12, part 2, of this title.

History: En. Sec. 62, Ch. 368, L. 1969; R.C.M. 1947, 23-3307; amd. Sec. 68, Ch. 571, L. 1979.

**13-10-209. Arrangement of ballots.** (1) Ballots for a primary election shall be arranged and printed in the same manner and number as provided in chapter 12 for general election ballots, except there shall be separate ballots for each political party entitled to participate and separate nonpartisan and ballot issue ballots if necessary. The name of the political party shall be printed at the top of the separate ballot for that party and need not be printed opposite each candidate's name.



WITNESS STATEMENT

NAME Merill H. Leland BILL No. 171  
ADDRESS Bellevue, Montana DATE 1-18-83  
WHOM DO YOU REPRESENT Clerk & Recorder assn  
SUPPORT  OPPOSE  AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



# County of Yellowstone



MERRILL H. KLUNDT  
Clerk & Recorder

BILLINGS, MONTANA  
January 17, 1983

Kathleen McBride, Chairman  
Local Government Committee  
Capitol Building  
Helena, Montana 59601

Dear Chairman McBride and Members:

House Bill #171 is a bill to provide a simpler and cheaper way for petitioners of privately owned lands adjacent and not already a part of a fire district to be annexed to an existing fire district upon the approval of the board of trustees of an existing fire district and upon their approval presented to the Board of County Commissioners who will hold a public hearing on such petition. The hearing shall be no less than 4 weeks after the date of the presentation to the Board of County Commissioners and shall be published for two successive weeks in a newspaper published within the county. The Board of County Commissioners may approve the petition in whole or in part or disapprove the annexation.

Presently the costs are considerable as a Notice must be mailed to every freeholder within the existing fire district. In Yellowstone County the only way to get a list of all the current freeholders is to contact a local abstract and title company and their cost is \$3.50 per freeholder. Therefore a district with 600 freeholders could cost \$2,100.00 plus publication costs.

This bill simplifies the process and at a small fraction of the cost as in the current statutes.

Your approval and passage of this bill will be greatly appreciated.

Respectfully submitted

MERRILL H. KLUNDT  
Chairman of Montana Association of  
Clerk & Records Legislative  
Committee and Yellowstone County  
Clerk & Recorder

AMERICAN TITLE & ESCROW

1216 16th Street West  
Alpine Village North, Suite 21  
Billings, Montana 59102

OUR ORDER NO 3-14412-1

CREDIT TO: 1

Date: August 31, 1981

Description: Land Located in Sections 9, 10, 11, 13, 14, 15, 16, 22, 23, 24, 26 and 27,  
Township 1 NORTH, Range 26 East, Yellowstone County, Montana.

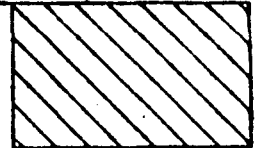
To: Rural Special Improvement  
District #604  
Billings Heights Sewer

REMINDER INVOICE  
SENT 6-10-82  
7-6-82

REMINDER INVOICE  
SENT ~~7-6-81~~ <sup>not sent</sup>  
3-10-82 <sup>USGS</sup>  
4-13-82  
5-13-82

Reference: Supplementing RSID Ownership 3-14412

Title Insurance  
OK 550 changes at \$3.50 each \$1925.00  
144 hours at \$13.50 per hour \$1944.00



Total Title Insurance \$

Supplemental Ownership Report \$ 1 25.00

Fee \$

ADVANCES FOR: Inspection \$

Recheck \$

Recording \$

Recording of

*ch # 154 Yellowstone City Sewer District*  
*ch # 161 for 500*

Total this Invoice \$ 1925.00  
Amount Paid \$ ~~0~~ 1000.00  
Balance Due \$ 1925.00 ~~925.00~~  
Amount Overpaid \$

INVOICE NO  
25255

WITNESS STATEMENT

NAME Tina Fausett BILL No. 171  
 ADDRESS Box 625 DATE 1-18-83  
 WHOM DO YOU REPRESENT freeholder  
 SUPPORT \_\_\_\_\_ OPPOSE X AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*Without freeholder protest you are  
 eliminating the very constituents  
 who suppose your system!*

Ex 6  
HB172

WITNESS STATEMENT

NAME Merrill A. Kendall BILL No. 172  
ADDRESS Bellingham DATE 1-18-87  
WHOM DO YOU REPRESENT Clerk & Recorders Assn  
SUPPORT  OPPOSE  AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

# County of Yellowstone



MERRILL H. KLUNDT  
Clerk & Recorder

BILLINGS, MONTANA  
59101  
January 17, 1983

Kathleen McBride, Chairman  
Local Government Committee  
Capitol Building  
Helena, Montana 59601

Dear Chairman McBride and Members:

House Bill #172 is a bill which is making a few changes in the recording statutes.

Under Section (K), page 3, Line 7 and 8, the changes made are the word index to entry.

There has been some confusion state wide as to the interpretation of the language of line 7 and 8 which currently states 50¢ per index in excess of the first index contained in a single document. The Attorney General issued an opinion on this subject matter on July 15, 1982, Opinion #64, Volume 39.

Therefore in order to avoid future confusion the language on Lines 7 and 8 has been changed to read: 50¢ per entry in excess of the first entry contained in a single document.

Under Section (O), Line 19, page 3, the word certified is being inserted. This word was left out in the revision of 7-4-2631, MCA, under House Bill #624, 1981 session.

The last change in this bill is on Line 3, page 4, increasing the recording fee from \$2.00 to \$3.00 per page. There has not been an increase in the recording fees since the year 1959.

Attached are the laws relating to the recording fees of the states of Wyoming and North Dakota and they are higher in many other areas.

Your approval and passage of this bill will be greatly appreciated.

Respectfully submitted

MERRILL H. KLUNDT  
Yellowstone County Clerk & Recorder and  
Chairman, Montana Association of  
Clerks & Recorders

Encl.

*Wyoming*

FEEES IN COUNTY CLERK'S OFFICE

Recording charges for Microfilming any instrument--First page-----	\$4.00
For each additional page-----	\$2.00
Additional recording charge for any instrument with more than one (1) grantor or grantee of a different surname - each additional name-----	\$0.25
Additional recording charge for each section, block or tract - description in excess of five (5) -----	\$0.25
Plats filed (including cemeteries and amended plats) -----	\$50.00
Recording charges for mining claims -- First page-----	\$9.00
Additional recording charge for any mining claim with more than one (1) grantor or grantee of a different surname - each additional name-----	\$1.00
Additional recording charge for a mining claim for each section, block or tract description in excess of five (5)-----	\$1.00
Survey Maps-----	\$25.00
Security Agreement and Financing Statement-----	\$3.00
Assignment-----	\$3.00
Continuation-----	\$3.00
Termination Statement-----	\$3.00
Mechanic's Lien-----	\$4.00
Release of Mechanic's Lien-----	\$4.00
Notary Public Commission-----	\$4.00
Military Discharge -- First recording-----	No charge
Marriage License-----	\$5.00
Certified copy of marriage license-----	\$4.00
Certificate of Title-----	\$3.00
Duplicate certificate of title-----	\$3.00
Copy of our record -- First page-----	\$1.00
For each additional page-----	\$0.50
State tax liens-----	\$3.00
Release of state tax liens-----	\$3.00
Certification-----	\$1.00

No individual, corporation or governmental entity is exempt from payment of

11-18-03. Fees of register of deeds. The register of deeds shall charge and collect the following fees:

1. For recording an instrument affecting title to real estate:
  - a. Deeds, mortgages, and all other instruments not specifically provided for in this subsection, five dollars for the first page and two dollars for each additional page.
    - (1) "Page" means one side of a single legal size sheet of paper not exceeding eight and one-half inches [21.59 centimeters] in width fourteen inches [35.56 centimeters] in length.
    - (2) ~~The printed, written, or typed words must be considered legible by the register of deeds before the page will be accepted for recording.~~
    - (3) ~~Each real estate instrument must have a legal description considered to be adequate by the register of deeds before such instrument will be accepted for recording.~~
    - (4) A space of at least four inches by three and one-half inches [10.16 by 8.89 centimeters] square must be provided on the front side of each instrument for register of deeds' recording information. If recording information can only be placed on the reverse side of an instrument, an additional page charge shall be levied.
  - b. ~~Multipurpose mortgages~~ or mineral instruments which contain ~~additional mortgages~~ or mineral instruments, five dollars for the first page and two dollars for each additional page plus three dollars for each additional mortgage or mineral instrument described therein.
  - c. Plats, irregular tracts, or annexations, five dollars for one lot plus ten cents for each additional lot.
  - d. Oil, gas, and mineral leases, six dollars per page.

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REGISTER OF DEEDS

11-18-16

2. For filing any instrument, including instruments under the Uniform Commercial Code, notices of intent to drill, and monument corner records, three dollars.
3. For filing and indexing a financing statement termination, no fee.
4. For making certified copies of any recorded instrument, the same charge as for recording that instrument.
5. For making a financing statement abstract, three dollars for the first five entries and one dollar for each additional five entries or fraction thereof.
6. For making a copy of any filed instrument, one dollar.

Source: N.D.C.C.; S.L. 1977, ch. 101, § 1

executions; lis pendens; attachments; and all liens), 50 cents per index in excess of the first index contained in a single document....

The indexes a county clerk is required to keep are listed in section 7-4-2619, MCA. Each index is to be kept separately but two or more indexes may be placed in the same volume. § 7-4-2620, MCA. You indicate that the Missoula County practice is to charge for each entry made in the index while other counties charge only 50 cents per extra index regardless of the number of entries made in each index. A number of other counties do not charge per index but rather per volume.

It is well settled that in construing a statute the intent of the Legislature controls and must first be determined from the plain meaning of the words contained in the statute. State ex rel. Zander v. District Court, 181 Mont. 454, 591 P.2d 565 (1979). Applying this rule to section 7-4-2631(k), MCA, it is clear that the term "multiple indexing" refers to entries which must be made in more than one index. The subsection renders a charge of "50 cents per index in excess of the first index contained in a single document." The fact that several entries must be made in each index does not change the plain and ordinary meaning of the phrase "per index."

You indicated that some of the examples contained in subsection (k) require recordation in only one index and that this fact supports Missoula County's charge of 50 cents per entry per index. The legislative history on this subsection is sparse and there is no discussion on this point. However, without contrary legislative intent as indicated by the history, the plain meaning rule controls and thus the "per index" language governs. Shannon v. Keller, 37 St. Rptr. 1079, 612 P.2d 1293 (1980).

THEREFORE, IT IS MY OPINION:

The charge to be computed for multiple entries in several indexes under section 7-4-2631(k), MCA, is 50 cents per index in excess of the first index contained in the document regardless of the number of entries made in the index.

Very truly yours,  
*Mike Greely*  
MIKE GREELY  
Attorney General

CLERK AND RECORDER - Fees county clerk must charge for multiple indexing under section 7-4-2631(k), MCA; COUNTY OFFICIALS - Statutory fees county clerk and recorder must charge for multiple indexing; FEES - Definition and application of term "multiple indexing" as affecting fees charged by county clerk under section 7-4-2631(k), MCA; MONTANA CODE ANNOTATED - Sections 7-4-2619, 7-4-2620, 7-4-2631.

HELD: The charge to be computed for multiple entries in several indexes under section 7-4-2631(k), MCA, is 50 cents per index in excess of the first index contained in the document regardless of the number of entries made in the index.

22 June 1982

Robert L. Deschamps, III, Esq.  
Missoula County Attorney  
Missoula County Courthouse  
Missoula, Montana 59801

Dear Mr. Deschamps:

You have requested my opinion on the following question:

Under section 7-4-2631(k), MCA, how are charges to be computed for documents which require multiple entries in several indexes?

Section 7-4-2631, MCA, lists the fees county clerks must charge for recording documents. Your question relates to the term "multiple indexing" as it is used in this subsection. Section 7-4-2631, MCA, provides that the county clerk must charge:

- (k) for documents requiring multiple indexing (including but not limited to mortgages; releases; deeds; certificates of location; affidavits of annual labor on mining claims; assignments of leases; assignments of mortgages; oil, gas, and mineral leases; release of oil, gas, and mineral leases; assignments of overriding royalties;



NAME: Bill Ransine DATE: 1-18-87

ADDRESS: Helena

PHONE: 442-2220

REPRESENTING WHOM? Clerks & Recorders

APPEARING ON WHICH PROPOSAL: H.B. 208

DO YOU: SUPPORT? X AMEND? \_\_\_\_\_ OPPOSE? \_\_\_\_\_

COMMENTS: Under the present law, a special election on the question of an alternate form of government could be held, theoretically, one day after the decision to have the election is made. This provides that the election cannot be held for at least 40 days. This will give the public time to study the issue and the proponents & opponents time to prepare & circulate information pro & con on the issue.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Sections repealed.

**20-9-206. Entering appropriations on accounting records of county treasurer.** (1) When the county treasurer receives the final budgets of the districts from the county superintendent, he shall open a fund for each budgeted fund included on the final budget of each district by entering the amount appropriated for the fund on his accounting record.

(2) Whenever the county treasurer receives a final emergency budget for a district from the county superintendent, he shall increase the amount of the regularly adopted final budget by the amount of the emergency budgeted fund included on the final emergency budget.

History: En. 75-6809 by Sec. 245, Ch. 5, L. 1971; amd. Sec. 1, Ch. 241, L. 1973; R.C.M. 1947, 75-6809.

**20-9-222. Recording and payment of warrants by county treasurer.** (1) Immediately after receiving a duplicate warrant or a warrant listing from a district, the county treasurer shall enter the amount and number of such warrant on his accounting records under the fund identified on such warrant or listing. The recording of the warrants shall allow for the computation of the unexpended amount of a budgeted fund from the accounting records.

(2) Whenever it appears to the county treasurer that a budgeted fund is so nearly exhausted that the issuance of another warrant will cause the overexpenditure of such budget, the county treasurer shall immediately notify the appropriate district of the expended condition of the budget and the district shall not issue another warrant against such fund that would overexpend the budget.

(3) After receiving a duplicate warrant or warrant listing that contains a warrant which will exceed the unexpended balance of a budgeted fund, the county treasurer shall immediately notify the district of such overdraft. If the district has not corrected the overdraft before the presentation of the warrant for payment, the county treasurer shall refuse to pay or register such warrant and shall endorse across the face of such warrant "Payment and Registration Refused, Insufficient Budget" and return the warrant to the person presenting it for payment.

(4) Whenever a warrant will overexpend the cash balance of a nonbudgeted fund, the county treasurer shall refuse to pay or register such warrant and shall endorse across the face of such warrant "Payment and Registration Refused, Insufficient Funds" and return the warrant to the person presenting it for payment. The county treasurer shall immediately notify the district of such refusal to pay or register the warrant drawn on a nonbudgeted fund.

History: En. 75-6811 by Sec. 247, Ch. 5, L. 1971; amd. Sec. 3, Ch. 241, L. 1973; R.C.M. 1947, 75-6811.





# STANDING COMMITTEE REPORT

January 18, 19 83

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 171

first reading copy ( white )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO REVISE THE LAWS RELATING TO THE ANNEXATION OF LAND INTO A FIRE DISTRICT BY DELETING THE PROVISION FOR PROTESTS BY FREEHOLDERS WITHIN THE AREA OF THE EXISTING FIRE DISTRICT; REQUIRING APPROVAL BY THE BOARD OF TRUSTEES OF A PETITION FOR ANNEXATION TO THE FIRE DISTRICT; REQUIRING PUBLISHED NOTICE OF A HEARING ON A PETITION FOR ANNEXATION TO A FIRE DISTRICT; AMENDING SECTION 7-33-2125, MCA."

Respectfully report as follows: That HOUSE Bill No. 171

DO PASS

# STANDING COMMITTEE REPORT

January 26, 19 83

MR. SPEAKER

We, your committee on LOCAL GOVERNMENT

having had under consideration HOUSE Bill No. 172

first reading copy (white)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNTY CLERKS AND RECORDERS TO CHARGE FOR EACH ENTRY INSTEAD OF FOR EACH INDEX FOR DOCUMENTS REQUIRING MULTIPLE INDEXING; CLARIFYING THAT COPIES OF BIRTH OR DEATH CERTIFICATES FOR WHICH A \$2 CHARGE IS IMPOSED MUST BE CERTIFIED; RAISING THE FEE FROM \$2 A PAGE TO \$3 A PAGE FOR DOCUMENTS RECORDED BY MECHANICAL MEANS; AMENDING SECTIONS 7-4-2631 AND 7-4-2632, MCA."

Respectfully report as follows: That HOUSE Bill No. 172

DO PASS

# STANDING COMMITTEE REPORT

..... 19 .....

MR. **SPEAKER** .....

We, your committee on **LOCAL GOVERNMENT** .....

having had under consideration **HOUSE** .....

Bill No. **208** .....

**first** reading copy ( **white** )  
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A SPECIAL  
ELECTION ON AN ALTERNATIVE FORM OF GOVERNMENT MAY NOT BE HELD  
LESS THAN 40 DAYS AFTER THE ELECTION IS CALLED; AMENDING SECTION  
7-3-149, MCA."**

Respectfully report as follows: That **HOUSE** .....

Bill No. **208** .....

DO PASS