

CHAPTER NO. 487

HOUSE BILL NO. 490

INTRODUCED BY BURNETT

IN THE HOUSE

January 31, 1979	Introduced and referred to Committee on Local Government.
February 20, 1979	Committee recommend bill do pass. Report adopted.
February 21, 1979	Second reading, do pass.
February 22, 1979	Considered correctly engrossed. Third reading, passed. Transmitted to second house.

IN THE SENATE

February 23, 1979	Introduced and referred to Committee on Local Government.
March 14, 1979	Committee recommend bill be concurred in as amended. Report adopted.
March 16, 1979	Second reading, concurred in.
March 19, 1979	Third reading, concurred in as amended.

IN THE HOUSE

March 20, 1979	Returned from second house. Concurred in as amended.
March 21, 1979	On motion, consideration passed until the 71st Legislative Day.
March 29, 1979	Second reading, amendments adopted.
March 30, 1979	Third reading, amendments adopted. Sent to enrolling. Reported correctly enrolled.

1 HOUSE BILL NO. 490
2 INTRODUCED BY Burns

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE COUNTY
5 CLERKS TO CHARGE A FEE FOR COPIES OF BIRTH AND DEATH
6 CERTIFICATES; REQUIRING STATE AGENCIES TO PAY FEES FOR
7 RECORDING DOCUMENTS; AMENDING SECTION 7-4-2631, MCA."

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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

11 "7-4-2631. Fees of county clerk. (1) The county clerks
12 must charge, for the use of their respective counties:

13 (a) for recording and indexing a written instrument
14 allowed by law to be recorded, except as otherwise provided
15 in 7-4-2632 and 7-4-2633:

16 (a)-(1) for the first folio, 60 cents; and

17 (2) for each subsequent folio or fraction of one,
18 30 cents;

19 (b)(1) for each entry in index, 20 cents;

20 (c)(1) for a certificate that an instrument has been
21 recorded with seal affixed, \$1;

22 (2)(b) for recording and indexing each real estate
23 mortgage or an assignment, renewal, or release of a real
24 estate mortgage:

25 (a)(1) for each folio, 40 cents;

1 (b)(1) for each entry in index, 20 cents;

2 (c)(1) for a certificate that the mortgage,
3 assignment, or release has been recorded with seal affixed,
4 \$1;

5 (2)(c) for recording and indexing each certificate of
6 location of a quartz or placer mining claim, millsite claim,
7 or notice of appropriation of water, including a certificate
8 that the instrument has been recorded with seal affixed, \$4;

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

12 (a)(1) for the first mining claim in the affidavit,
13 \$2; and

14 (b)(1) for each additional mining claim included in
15 it, 50 cents;

16 (5)(a) for filing and indexing each writ of
17 attachment, execution, certificate of sale, lien, or other
18 instrument required by law to be filed and indexed, \$1;

19 (6)(f) for filing and indexing each certificate of
20 incorporation or annual statement of a corporation, \$2;

21 (7)(g) for recording and platting each townsite or
22 map:

23 (a)(1) for each lot up to and including 100, 50 cents;

24 (b)(1) for each additional lot in excess of 100, 10
25 cents;

1 ~~(c)(iii)~~ for recording the field notes of survey of a
 2 townsite, 50 cents per folio.
 3 ~~(8)(b)~~ for a copy of a record or paper:
 4 ~~(e)(i)~~ for each folio, 30 cents; and
 5 ~~(b)(iii)~~ for each certification with seal affixed, \$1;
 6 ~~(9)(i)~~ for searching an index record of files of the
 7 office for each year when required in abstracting or
 8 otherwise, 30 cents;
 9 ~~(10)(i)~~ for each entry of discharge or satisfaction of
 10 a mortgage, lien, or other instrument on the margin of
 11 record of it or upon the original instrument and noting the
 12 entry in the indexes concerned, 50 cents;
 13 ~~(11)(k)~~ for administering an oath with certificate and
 14 seal, no charge;
 15 ~~(12)(i)~~ for taking and certifying an acknowledgment,
 16 with seal affixed, for signature to it, no charge;
 17 ~~(13)(a)~~ for recording and indexing an instrument which
 18 may be recorded under 70-21-207 and which pertains to land
 19 allotted to an Indian or land within an Indian reservation,
 20 except fee patents, no charge;
 21 ~~(14)(a)~~ for filing, indexing, or other services
 22 provided for by 30-9-401 through 30-9-407, the fees
 23 prescribed in those sections;
 24 ~~(15)(a)~~ for recording each stock subscription and
 25 contract, stock certificate, and articles of incorporation

1 for water users' associations, 50 cents;
 2 ~~(16)(a)~~ for filing an order creating a television
 3 district pursuant to 7-13-2509, \$3;
 4 ~~(17)(a)~~ for filing, recording, or indexing any other
 5 instrument not expressly provided for in this section,
 6 7-4-2632, or 7-4-2633, the same fee provided in this
 7 section, 7-4-2632, or 7-4-2633 for a similar service;
 8 (r) for each copy of a birth certificate or a death
 9 certificate, \$2.
 10 (2) State agencies submitting documents for recording
 11 shall pay the recording fees provided for in this section."

-End-

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 12 must charge, for the use of their respective counties:
 13 (a) for recording and indexing a written instrument
 14 allowed by law to be recorded, except as otherwise provided
 15 in 7-4-2632 and 7-4-2633:
 16 (a) ~~(1)~~ (A) for the first folio, 60 cents; and
 17 (b) for each subsequent folio or fraction of one,
 18 30 cents;
 19 (b)(iii) for each entry in index, 20 cents;
 20 (c)(iii) for a certificate that an instrument has been
 21 recorded with seal affixed, \$1;
 22 (d)(b) for recording and indexing each real estate
 23 mortgage or an assignment, renewal, or release of a real
 24 estate mortgage:
 25 (e)(i) for each folio, 40 cents;

1 (b)(iii) for each entry in index, 20 cents;
 2 (c)(iii) for a certificate that the mortgage,
 3 assignment, or release has been recorded with seal affixed,
 4 \$1;
 5 (d)(c) for recording and indexing each certificate of
 6 location of a quartz or placer mining claim, millsite claim,
 7 or notice of appropriation of water, including a certificate
 8 that the instrument has been recorded with seal affixed, \$4;
 9 (e)(d) for recording and indexing each affidavit of
 10 annual labor on a mining claim, including certificate that
 11 the instrument has been recorded with seal affixed:
 12 (f)(i) for the first mining claim in the affidavit,
 13 \$2; and
 14 (b)(iii) for each additional mining claim included in
 15 it, 50 cents;
 16 (5)(a) for filing and indexing each writ of
 17 attachment, execution, certificate of sale, lien, or other
 18 instrument required by law to be filed and indexed, \$1;
 19 (6)(f) for filing and indexing each certificate of
 20 incorporation or annual statement of a corporation, \$2;
 21 (7)(g) for recording and platting each townsite or
 22 map:
 23 (e)(i) for each lot up to and including 100, 50 cents;
 24 (b)(iii) for each additional lot in excess of 100, 10
 25 cents;

1 †(1)(iii) for recording the field notes of survey of a
 2 townsite, 50 cents per folio.
 3 †(1)(h) for a copy of a record or paper:
 4 †(1)(i) for each folio, 30 cents; and
 5 †(1)(ii) for each certification with seal affixed, \$1;
 6 †(1)(j) for searching an index record of files of the
 7 office for each year when required in abstracting or
 8 otherwise, 30 cents;
 9 †(1)(k) for each entry of discharge or satisfaction of
 10 a mortgage, lien, or other instrument on the margin of
 11 record of it or upon the original instrument and noting the
 12 entry in the indexes concerned, 50 cents;
 13 †(1)(l) for administering an oath with certificate and
 14 seal, no charge;
 15 †(1)(m) for taking and certifying an acknowledgment,
 16 with seal affixed, for signature to it, no charge;
 17 †(1)(n) for recording and indexing an instrument which
 18 may be recorded under 70-21-207 and which pertains to land
 19 allotted to an Indian or land within an Indian reservation,
 20 except fee patents, no charge;
 21 †(1)(o) for filing, indexing, or other services
 22 provided for by 30-9-401 through 30-9-407, the fees
 23 prescribed in those sections;
 24 †(1)(p) for recording each stock subscription and
 25 contract, stock certificate, and articles of incorporation

1 for water users' associations, 50 cents;
 2 †(1)(q) for filing an order creating a television
 3 district pursuant to 7-13-2509, \$3;
 4 †(1)(r) for filing, recording, or indexing any other
 5 instrument not expressly provided for in this section,
 6 7-4-2632, or 7-4-2633, the same fee provided in this
 7 section, 7-4-2632, or 7-4-2633 for a similar service;
 8 †(1)(s) for each copy of a birth certificate or a death
 9 certificate, \$2.
 10 †(1)(t) State agencies submitting documents for recording
 11 shall pay the recording fees provided for in this section."

-End-

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20 ~~(1)(iv)~~ for a certificate that an instrument has been
21 recorded with seal affixed, \$1;

22 ~~(1)(v)~~ for recording and indexing each real estate
23 mortgage or an assignment, renewal, or release of a real
24 estate mortgage;

25 ~~(1)(vi)~~ for each folio, 40 cents;1 ~~(1)(vii)~~ for each entry in index, 20 cents;

2 ~~(1)(viii)~~ for a certificate that the mortgage,
3 assignment, or release has been recorded with seal affixed,
4 \$1;

5 ~~(1)(ix)~~ for recording and indexing each certificate of
6 location of a quartz or placer mining claim, millsite claim,
7 or notice of appropriation of water, including a certificate
8 that the instrument has been recorded with seal affixed, \$4;

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

12 ~~(1)(xi)~~ for the first mining claim in the affidavit,
13 \$2; and

14 ~~(1)(xii)~~ for each additional mining claim included in
15 it, 50 cents;

16 ~~(1)(xiii)~~ for filing and indexing each writ of
17 attachment, execution, certificate of sale, lien, or other
18 instrument required by law to be filed and indexed, \$1;

19 ~~(1)(xiv)~~ for filing and indexing each certificate of
20 incorporation or annual statement of a corporation, \$2;

21 ~~(1)(xv)~~ for recording and platting each townsite or
22 map;

23 ~~(1)(xvi)~~ for each lot up to and including 100, 50 cents;

24 ~~(1)(xvii)~~ for each additional lot in excess of 100, 10
25 cents;

1 †1)†1111 for recording the field notes of survey of a
 2 townsite, 50 cents per folio.
 3 †2)†111 for a copy of a record or paper:
 4 †3)†111 for each folio, 30 cents; and
 5 †4)†111 for each certification with seal affixed, \$1;
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 7 office for each year when required in abstracting or
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 7 section, 7-4-2632, or 7-4-2633 for a similar service;
 8 †14)†111 for each copy of a birth certificate or a death
 9 certificate, \$2.
 10 †15)†111 State agencies submitting documents for recording
 11 shall pay the recording fees provided for in this section.
 12 THESE FEES MAY BE PAID BY A STATE AGENCY ON A MONTHLY
 13 BASIS."

-End-

March 14, 1979

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 490 be amended as follows:

1. Page 4, line 11.

Following: "section."

Insert: "These fees may be paid by a state agency on a
monthly basis."