

HOUSE BILL NO. 624

INTRODUCED BY WILLIAMS, OBERG, HUENNEKENS, SIVERTSEN,  
BERTELSEN, VINGER, ASAY, McLANE, SHONTZ, ZABROCKI

IN THE HOUSE

February 3, 1981	Introduced and referred to Committee on Local Government.
February 16, 1981	Committee recommend bill do pass as amended. Report adopted.
February 17, 1981	Bill printed and placed on members' desks.
February 19, 1981	Second reading, do pass.
February 20, 1981	Correctly engrossed.
February 24, 1981	Third reading, passed. Ayes, 93; Noes, 5. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on Local Government.
March 26, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 28, 1981	Second reading, concurred in as amended.
March 30, 1981	Motion pass consideration.
March 31, 1981	On motion rules suspended. Bill allowed to be transmitted on 71st legislative day. Motion adopted.
	Third reading, concurred in as amended. Ayes, 42; Noes, 8.

IN THE HOUSE

April 1, 1981

Returned from Senate with amendments.

April 8, 1981

Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments concurred in. Ayes, 89; Noes, 7. Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 624

INTRODUCED BY *Williams, Greg, Henderson, Dintzer, Bertelson, Vinger, Amy, McCune, J. Zwick*

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES CHARGED BY THE COUNTY CLERKS FOR RECORDING, FILING, AND COPYING SERVICES; REMOVING PROVISIONS THAT ARE OUTDATED; AMENDING SECTIONS 7-4-2631 AND 7-4-2632, MCA; AND REPEALING SECTION 7-4-2633, MCA."

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) The county clerks must charge, for the use of their respective counties:

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

~~(i) for the first folio, 60 cents; and~~

~~(b) for each subsequent folio or fraction of one, 30 cents;~~

~~(ii) for each entry in index, 20 cents;~~

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

~~(b) for recording and indexing each real estate mortgage or an assignment, renewal, or release of a real estate mortgage;~~

~~(i) for each folio, 40 cents;~~

~~(ii) for each entry in index, 20 cents;~~

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

(a) for recording and indexing each certificate of location of a quartz or placer mining claim, millsite claim, or notice of appropriation of water, including a certificate that the instrument has been recorded with seal affixed, \$4.50;

(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, \$2.50; 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, \$1.50;

(d) for filing and indexing each certificate of incorporation or annual statement of a corporation, \$2.50; fictitious name, \$3;

(e) for recording and platting each townsite or map filing of subdivision and townsite plats, \$5 plus:

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

1 (li) for each additional lot in excess of 100, ~~20~~ 25  
 2 cents;  
 3 ~~(iii) for recording the field notes of survey of a~~  
 4 ~~townsite, 50 cents per folio;~~  
 5 ~~(f) for filing certificates of surveys and amendments~~  
 6 ~~thereto, \$5 plus 50 cents per tract or lot;~~  
 7 ~~(h)(g) for a copy of a record or paper:~~  
 8 (i) for each folio ~~30~~ page of a document, 50 cents;  
 9 and  
 10 (ii) for each certification with seal affixed, ~~\$1~~ \$2;  
 11 ~~(i)(h) for searching an index record of files of the~~  
 12 office for each year when required in abstracting or  
 13 otherwise, ~~30~~ 50 cents;  
 14 ~~(j) for each entry of discharge or satisfaction of a~~  
 15 ~~mortgage, lien, or other instrument on the margin of record~~  
 16 ~~of it or upon the original instrument and noting the entry~~  
 17 ~~in the indexes concerned, 50 cents;~~  
 18 ~~(k)(i) for administering an oath with certificate and~~  
 19 seal, no charge;  
 20 ~~(l)(j) for taking and certifying an acknowledgment,~~  
 21 with seal affixed, for signature to it, no charge;  
 22 ~~(m) for recording and indexing an instrument which may~~  
 23 ~~be recorded under 70-21-207 and which pertains to land~~  
 24 ~~allotted to an Indian or land within an Indian reservation;~~  
 25 except fee patents, no charge;

1 ~~(k) for documents requiring multiple indexing~~  
 2 ~~(including but not limited to mortgages, releases, deeds,~~  
 3 ~~certificates of location, affidavits of annual labor on~~  
 4 ~~mining claims, assignments of leases, assignments of~~  
 5 ~~mortgages, oil, gas, and mineral leases, releases of oil,~~  
 6 ~~gas, and mineral leases, assignments of overriding~~  
 7 ~~royalties, executions, lis pendens, attachments, and all~~  
 8 ~~liens), 50 cents per index in excess of the first index~~  
 9 ~~contained in a single document;~~  
 10 ~~(n)(i) for filing, indexing, or other services~~  
 11 provided for by 30-9-401 through 30-9-407, the fees  
 12 prescribed in those sections;  
 13 ~~(o)(m) for recording each stock subscription and~~  
 14 contract, stock certificate, and articles of incorporation  
 15 for water users' associations, 50 cents ~~\$3~~;  
 16 ~~(p) for filing an order creating a television district~~  
 17 ~~pursuant to 7-13-2509, \$3;~~  
 18 ~~(q)(l) for filing, recording, or indexing any other~~  
 19 instrument not expressly provided for in this section, ~~or~~  
 20 7-4-2632, ~~or 7-4-2633,~~ the same fee provided in this  
 21 section, ~~or 7-4-2632, or 7-4-2633~~ for a similar service;  
 22 ~~(r)(g) for each copy of a birth certificate or a death~~  
 23 certificate, \$2.  
 24 (2) State agencies submitting documents ~~for recording~~  
 25 ~~to be put of record~~ shall pay the recording fees provided

1 for in this section. These fees ~~may~~ **must** be paid by a state  
2 agency on a monthly basis."

3 Section 2. Section 7-4-2632, MCA, is amended to read:

4 "7-4-2632. Fee when recording done by mechanical  
5 means. Where recording is done by photographic or similar  
6 process, the county clerk and recorder shall charge ~~\$2~~ **\$3**  
7 for each page or fraction of a page of the instrument for  
8 ~~filing-and-indexing recording."~~

9 Section 3. Repealer. Section 7-4-2633, MCA, is  
10 repealed.

-End-

HB 624

Approved by Comm.  
on Local Government

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INTRODUCED BY WILLIAMS, OBERG, HUENNEKENS, SIVERTSEN,  
BERTELSEN, VINGER, ASAY, McLANE, SHONTZ, ZABROCKI

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allowed by law to be recorded, except as otherwise provided  
in 7-4-2632 and 7-4-2633;~~

~~(i) for the first folio, 60 cents; and~~

~~(ii) for each subsequent folio or fraction of one, 30  
cents;~~

~~(iii) for each entry in index, 20 cents;~~

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

~~(b) for recording and indexing each real estate  
mortgage or an assignment, renewal, or release of a real~~

~~estate mortgage;~~

~~(i) for each folio, 40 cents;~~

~~(ii) for each entry in index, 20 cents;~~

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

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

~~(c) (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, \$2  
\$3; and~~

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

~~(c) (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, \$1 \$2;~~

~~(c) (d) for filing and indexing each certificate of  
incorporation or annual statement of a corporation, \$2  
fictitious name, \$3;~~

~~(c) (e) for recording and platting each townsite or map  
filing of subdivision and townsite plats, \$5 plus:~~

1 (i) for each lot up to and including 100, 50 cents;  
 2 (ii) for each additional lot in excess of 100, ~~40~~ 25  
 3 cents;  
 4 ~~{iii} for recording the field notes of survey of a~~  
 5 ~~townsite 50 cents per folio;~~  
 6 {f} for filing certificates of surveys and amendments  
 7 thereto, \$5 plus 50 cents per tract or lot;  
 8 ~~{h}{g}~~ for a copy of a record or paper:  
 9 (i) for each ~~folio~~ page of a document, 50 cents;  
 10 and  
 11 (ii) for each certification with seal affixed, ~~\$1~~ \$2;  
 12 ~~{i}{h}~~ for searching an index record of files of the  
 13 office for each year when required in abstracting or  
 14 otherwise, ~~30~~ 50 cents;  
 15 ~~{j} for each entry of discharge or satisfaction of a~~  
 16 ~~mortgage lien or other instrument on the margin of record~~  
 17 ~~of it or upon the original instrument and noting the entry~~  
 18 ~~in the indexes concerned, 50 cents;~~  
 19 ~~{k}{i}~~ for administering an oath with certificate and  
 20 seal, no charge;  
 21 ~~{l}{j}~~ for taking and certifying an acknowledgment,  
 22 with seal affixed, for signature to it, no charge;  
 23 ~~{m} for recording and indexing an instrument which may~~  
 24 ~~be recorded under 70-21-207 and which pertains to land~~  
 25 ~~allotted to an Indian or land within an Indian reservation~~

1 ~~except fee patents, no charge~~  
 2 {k} for documents requiring multiple indexing  
 3 {including but not limited to mortgages; releases; deeds;  
 4 certificates of location; affidavits of annual labor on  
 5 mining claims; assignments of leases; assignments of  
 6 mortgages; oil, gas, and mineral leases; releases of oil,  
 7 gas, and mineral leases; assignments of overriding  
 8 royalties; executions; lis pendens; attachments; and all  
 9 liens), 50 cents per index in excess of the first index  
 10 contained in a single document;  
 11 ~~{n}{l}~~ for filing, indexing, or other services  
 12 provided for by 30-9-401 through 30-9-407, the fees  
 13 prescribed in those sections;  
 14 ~~{o}{m}~~ for recording each stock subscription and  
 15 contract, stock certificate, and articles of incorporation  
 16 for water users' associations, ~~50 cents~~ \$3;  
 17 ~~{p} for filing an order creating a television district~~  
 18 ~~pursuant to 7-13-2509, \$3;~~  
 19 ~~{q}{n}~~ for filing, recording, or indexing any other  
 20 instrument not expressly provided for in this section or  
 21 7-4-2632, or 7-4-2633, the same fee provided in this  
 22 section or 7-4-2632 or 7-4-2633 for a similar service;  
 23 ~~{r}{o}~~ for each copy of a birth certificate or a death  
 24 certificate, \$2.  
 25 (2) State agencies submitting documents for recording

1 to be put of record shall pay the recording fees provided  
2 for in this section. These fees ~~may~~ must be paid by a state  
3 agency on a monthly basis."

4 Section 2. Section 7-4-2632, MCA, is amended to read:  
5 "7-4-2632. Fee when recording done by mechanical  
6 means. Where recording is done by photographic or similar  
7 process, the county clerk and recorder shall charge ~~\$2~~ \$3  
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10 Section 3. Repealer. Section 7-4-2633, MCA, is  
11 repealed.

-End-



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or notice of appropriation of water, or notice of  
appropriation of water, including a certificate that the  
instrument has been recorded with seal affixed, \$4 \$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, \$2  
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~~(d) (d) for filing and indexing each certificate of  
incorporation or annual statement of a corporation, \$2  
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~~(e) (e) for recording and platting each townsite or map  
filing of subdivision and townsite plats, \$5 plus:~~

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 7 thereto, \$5 plus 50 cents per tract or lot;  
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13 repealed.

-End-

March 26, 1981

SENATE STANDING COMMITTEE REPORT  
(Local Government)

That House Bill No. 624 be amended as follows:

1. Page 2, line 7.

Following: "claim"

Strike: ", "

Insert: "or"

2. Page 2, lines 8 and 9.

Following: "~~water,~~"

Strike: "or notice of appropriation of water,"

3. Page 3, lines 9 and 10.

Following: "for"

Strike: the remainder of line 9 and line 10

Insert: "the first page of any document, 50 cents, and 25 cents for  
each subsequent page; and"

4. Page 3, line 11.

Following: "\$1"

Strike: "\$2"

Insert: "\$1"

March 28, 1981

SENATE COMMITTEE OF THE WHOLE

Proposed amendment to House Bill 624, third reading copy, as follows:

1. Page 5, line 7.  
Following: "\$2"  
Strike: "\$3"  
Insert: "\$2"