

HOUSE BILL NO. 172

INTRODUCED BY WILLIAMS, YARDLEY

IN THE HOUSE

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| January 11, 1983 | Introduced and referred to Committee on Local Government. |
| January 26, 1983 | Committee recommend bill do pass. Report adopted. |
| January 27, 1983 | Bill printed and placed on members' desks. |
| January 28, 1983 | Second reading, do pass. |
| January 29, 1983 | Considered correctly engrossed. |
| January 31, 1983 | Third reading, passed. Transmitted to Senate. |

IN THE SENATE

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| February 1, 1983 | Introduced and referred to Committee on Local Government. |
| March 23, 1983 | Committee recommend bill be concurred in as amended. Report adopted. |
| March 24, 1983 | Second reading, concurred in. |
| March 28, 1983 | Third reading, concurred in. Ayes, 47; Noes, 0. |

IN THE HOUSE

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| March 28, 1983 | Returned to House with amendments. |
| April 1, 1983 | Second reading, amendments concurred in. |

April 4, 1983

Third reading, amendments
concurred in.

Sent to enrolling.

Reported correctly enrolled.

1 House BILL NO. 172
 2 INTRODUCED BY Williams, yardley
 3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING COUNTY CLERKS
 5 AND RECORDERS TO CHARGE FOR EACH ENTRY INSTEAD OF FOR EACH
 6 INDEX FOR DOCUMENTS REQUIRING MULTIPLE INDEXING; CLARIFYING
 7 THAT COPIES OF BIRTH OR DEATH CERTIFICATES FOR WHICH A \$2
 8 CHARGE IS IMPOSED MUST BE CERTIFIED; RAISING THE FEE FROM \$2
 9 A PAGE TO \$3 A PAGE FOR DOCUMENTS RECORDED BY MECHANICAL
 10 MEANS; AMENDING SECTIONS 7-4-2631 AND 7-4-2632, MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13 Section 1. Section 7-4-2631, MCA, is amended to read:
 14 "7-4-2631. Fees of county clerk. (1) The county clerks
 15 must charge, for the use of their respective counties:
 16 (a) for recording and indexing each certificate of
 17 location of a quartz or placer mining claim or millsite
 18 claim, including a certificate that the instrument has been
 19 recorded with seal affixed, \$6;
 20 (b) for recording and indexing each affidavit of
 21 annual labor on a mining claim, including certificate that
 22 the instrument has been recorded with seal affixed:
 23 (i) for the first mining claim in the affidavit, \$3;
 24 and
 25 (ii) for each additional mining claim included in it,

1 50 cents;
 2 (c) for filing and indexing each writ of attachment,
 3 execution, certificate of sale, lien, or other instrument
 4 required by law to be filed and indexed, \$2;
 5 (d) for filing and indexing each certificate of
 6 fictitious name, \$3;
 7 (e) for filing of subdivision and townsite plats, \$5
 8 plus:
 9 (i) for each lot up to and including 100, 50 cents;
 10 (ii) for each additional lot in excess of 100, 25
 11 cents;
 12 (f) for filing certificates of surveys and amendments
 13 thereto, \$5 plus 50 cents per tract or lot;
 14 (g) for a copy of a record or paper:
 15 (i) for the first page of any document, 50 cents, and
 16 25 cents for each subsequent page; and
 17 (ii) for each certification with seal affixed, \$1;
 18 (h) for searching an index record of files of the
 19 office for each year when required in abstracting or
 20 otherwise, 50 cents;
 21 (i) for administering an oath with certificate and
 22 seal, no charge;
 23 (j) for taking and certifying an acknowledgment, with
 24 seal affixed, for signature to it, no charge;
 25 (k) for documents requiring multiple indexing

INTRODUCED BILL

172

(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; releases of oil, gas, and mineral leases; assignments of overriding royalties; executions; lis pendens; attachments; and all liens), 50 cents per ~~index entry~~ in excess of the first ~~index entry~~ contained in a single document;

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

(m) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, \$3;

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

(o) for each certified copy of a birth certificate or a death certificate, \$2.

(2) State agencies submitting documents to be put of record shall pay the fees provided for in this section. These fees must be paid by a state agency on a monthly basis."

Section 2. 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 \$2 ~~11~~ for each page or fraction of a page of the instrument for recording."

-End-

STATE OF MONTANA

REQUEST NO. 120-83

FISCAL NOTE

Form BD-15

In compliance with a written request received January 15, , 19 83 , there is hereby submitted a Fiscal Note for House Bill 172 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 172 clarifies the amount of fees to be charged by County Clerk and Recorders for certain services and raises the fee for recording documents by mechanical means.

ASSUMPTIONS:

- 1) The Clerk and Recorders' fee collections will increase by approximately 10% during each year of the 1985 biennium.
- 2) The fees for photographic recording represent approximately 75% of all fees collected.

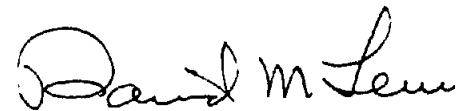
LOCAL IMPACT:

The primary purpose of the bill is to clarify the fact that a fee may be charged for each entry in a multiple index. Some counties had been charging a single fee for multiple indexes. Therefore, some counties will realize additional general fund revenue from this clarification.

All counties will realize increased general fund revenue from the 50% increase in the fee for recording documents by mechanical means. This increased revenue is estimated as:

| | <u>FY 1984</u> | <u>FY 1985</u> |
|---------------------|----------------|----------------|
| County General Fund | \$1,835,968 | \$2,018,463 |

FISCAL NOTE 5:D/1



BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 1-20-83

Approved by Comm.
on Local Government

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15 must charge, for the use of their respective counties:
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17 location of a quartz or placer mining claim or millsite
18 claim, including a certificate that the instrument has been
19 recorded with seal affixed, \$6;
20 (b) for recording and indexing each affidavit of
21 annual labor on a mining claim, including certificate that
22 the instrument has been recorded with seal affixed:
23 (i) for the first mining claim in the affidavit, \$3;
24 and
25 (ii) for each additional mining claim included in it,

1 50 cents;
2 (c) for filing and indexing each writ of attachment,
3 execution, certificate of sale, lien, or other instrument
4 required by law to be filed and indexed, \$2;
5 (d) for filing and indexing each certificate of
6 fictitious name, \$3;
7 (e) for filing of subdivision and townsite plats, \$5
8 plus:
9 (i) for each lot up to and including 100, 50 cents;
10 (ii) for each additional lot in excess of 100, 25
11 cents;
12 (f) for filing certificates of surveys and amendments
13 thereto, \$5 plus 50 cents per tract or lot;
14 (g) for a copy of a record or paper:
15 (i) for the first page of any document, 50 cents, and
16 25 cents for each subsequent page; and
17 (ii) for each certification with seal affixed, \$1;
18 (h) for searching an index record of files of the
19 office for each year when required in abstracting or
20 otherwise, 50 cents;
21 (i) for administering an oath with certificate and
22 seal, no charge;
23 (j) for taking and certifying an acknowledgment, with
24 seal affixed, for signature to it, no charge;
25 (k) for documents requiring multiple indexing

1 (including but not limited to mortgages; releases; deeds;
 2 certificates of location; affidavits of annual labor on
 3 mining claims; assignments of leases; assignments of
 4 mortgages; oil, gas, and mineral leases; releases of oil,
 5 gas, and mineral leases; assignments of overriding
 6 royalties; executions; lis pendens; attachments; and all
 7 liens), 50 cents per ~~index entry~~ in excess of the first
 8 ~~index entry~~ contained in a single document;

9 (l) for filing, indexing, or other services provided
 10 for by 30-9-401 through 30-9-407, the fees prescribed in
 11 those sections;

12 (m) for recording each stock subscription and
 13 contract, stock certificate, and articles of incorporation
 14 for water users' associations, \$3;

15 (n) for filing, recording, or indexing any other
 16 instrument not expressly provided for in this section or
 17 7-4-2632, the same fee provided in this section or 7-4-2632
 18 for a similar service;

19 (o) for each certified copy of a birth certificate or
 20 a death certificate, \$2.

21 (2) State agencies submitting documents to be put of
 22 record shall pay the fees provided for in this section.
 23 These fees must be paid by a state agency on a monthly
 24 basis."

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

1 "7-4-2632. Fee when recording done by mechanical
 2 means. Where recording is done by photographic or similar
 3 process, the county clerk and recorder shall charge \$2 ~~13~~
 4 for each page or fraction of a page of the instrument for
 5 recording."

-End-

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23 (i) for the first mining claim in the affidavit, \$3;
24 and
25 (ii) for each additional mining claim included in it,

1 50 cents;
2 (c) for filing and indexing each writ of attachment,
3 execution, certificate of sale, lien, or other instrument
4 required by law to be filed and indexed, \$2;
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6 fictitious name, \$3;
7 (e) for filing of subdivision and townsite plats, \$5
8 plus:
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 13 contract, stock certificate, and articles of incorporation
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-End-

March 23, 1983

SENATE STANDING COMMITTEE REPORT
(Local Government)

That House Bill No. 172 be amended as follows:

1. Title, line 9.
Following: "TO"
Strike: "\$3"
Insert: "\$2.50"
2. Page 4, line 3.
Following: "\$2"
Strike: "\$3"
Insert: "\$2.50"

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-End-