

SENATE BILL NO. 142

Introduced: 01/13/83

Referred to Committee on Judiciary: 01/13/83

Hearing: 1/24/84

Report: 01/24/83, Do Pass

2nd Reading: 01/26/83

3rd Reading: 01/28/83

Transmitted to House: 1/28/83

Referred to Committee on Judiciary: 01/29/83

Hearing: 3/2/83

Died in House Committee.

1 *Senate* BILL NO. 143
2 INTRODUCED BY *Rep*
3 BY REQUEST OF THE SECRETARY OF STATE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REMOVE THE
6 REQUIREMENT THAT RELEASED FEDERAL TAX LIENS NOT BE REMOVED
7 FROM THE FILES OF THE SECRETARY OF STATE; AMENDING SECTION
8 71-3-205, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

11 Section 1. Section 71-3-205, MCA, is amended to read:

12 "71-3-205. Duties of filing officer. (1) If a notice
13 of federal tax lien, a refiling of a notice of tax lien, or
14 a notice of revocation of any certificate described in
15 subsection (2) is presented to the filing officer and:

16 (a) he is the secretary of state, he shall cause the
17 notice to be marked, held, and indexed in accordance with
18 the provisions of 30-9-403(4) as if the notice were a
19 financing statement within the meaning of the Uniform
20 Commercial Code; or

21 (b) he is any other officer described in 71-3-204, he
22 shall endorse thereon his identification and the date and
23 time of receipt and forthwith file it alphabetically or
24 enter it in an alphabetical index showing the name and
25 address of the person named in the notice, the date and time

1 of receipt, the serial number of the district director, and
2 the total unpaid balance of the assessment appearing on the
3 notice of lien.

4 (2) If a certificate of release, nonattachment,
5 discharge, or subordination of any tax lien is presented to
6 the secretary of state for filing he shall:

7 (a) cause a certificate of release or nonattachment to
8 be marked, held, and indexed as if the certificate were a
9 termination statement within the meaning of the Uniform
10 Commercial Code; ~~except that the notice of lien to which the~~
11 ~~certificate relates shall not be removed from the files; and~~

12 (b) cause a certificate of discharge or subordination
13 to be held, marked, and indexed as if the certificate were a
14 release of collateral within the meaning of the Uniform
15 Commercial Code.

16 (3) If a refiled notice of federal tax lien referred
17 to in subsection (1) or any of the certificates or notices
18 referred to in subsection (2) is presented for filing with
19 any other filing officer specified in 71-3-204, he shall
20 ~~permanently attach the refiled notice or the certificate to~~
21 ~~the original notice of lien and shall~~ enter the refiled
22 notice or the certificate with the date of filing in any
23 alphabetical federal tax lien index on the line where the
24 original notice of lien is entered.

25 (4) Upon request of any person, the filing officer

INTRODUCED BILL

1 shall issue his certificate showing whether there is on
2 file, on the date and hour stated therein, any notice of
3 federal tax lien or certificate or notice affecting the
4 lien, filed on or after July 1, 1967, naming a particular
5 person, and if a notice or certificate is on file, giving
6 the date and hour of filing of each notice or certificate.

7 (5) The fee for a certificate is \$2. Upon request, the
8 filing officer shall furnish a copy of any notice of federal
9 tax lien or notice or certificate affecting a federal tax
10 lien for a fee of \$1 per page."

11 NEW SECTION. Section 2. Effective date. This act is
12 effective on passage and approval.

-End-

Approved by Committee
on Judiciary

Senate BILL NO. 142

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BY REQUEST OF THE SECRETARY OF STATE

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FROM THE FILES OF THE SECRETARY OF STATE; AMENDING SECTION
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notice to be marked, held, and indexed in accordance with
the provisions of 30-9-403(4) as if the notice were a
financing statement within the meaning of the Uniform
Commercial Code; or

(b) he is any other officer described in 71-3-204, he
shall endorse thereon his identification and the date and
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enter it in an alphabetical index showing the name and
address of the person named in the notice, the date and time

of receipt, the serial number of the district director, and
the total unpaid balance of the assessment appearing on the
notice of lien.

(2) If a certificate of release, nonattachment,
discharge, or subordination of any tax lien is presented to
the secretary of state for filing he shall:

(a) cause a certificate of release or nonattachment to
be marked, held, and indexed as if the certificate were a
termination statement within the meaning of the Uniform
Commercial Code; ~~except that the notice of lien to which the
certificate relates shall not be removed from the files; and~~

(b) cause a certificate of discharge or subordination
to be held, marked, and indexed as if the certificate were a
release of collateral within the meaning of the Uniform
Commercial Code.

(3) If a refiled notice of federal tax lien referred
to in subsection (1) or any of the certificates or notices
referred to in subsection (2) is presented for filing with
any other filing officer specified in 71-3-204, he shall
~~permanently attach the refiled notice or the certificate to
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