# HOUSE BILL NO. 76

## INTRODUCED BY M. WILLIAMS

### IN THE HOUSE

January	7, 3	1985			Introduced and referred to Committee on Local Government.
January	9, 3	1985			Committee recommend bill do pass. Report adopted.
January	10,	1985			Bill printed and placed on members' desks.
January	12,	1985			Second reading, do pass as amended.
					Correctly engrossed.
January	14,	1985			Third reading, passed. Transmitted to Senate.
			IN	THE	SENATE
January	15,	1985			Introduced and referred to Committee on Local Government.
January	25,	1985			Committee recommend bill be concurred in. Report adopted.
January	26,	1985			Second reading, concurred in.
January	29,	1985			Third reading, concurred in. Ayes, 47; Noes, 1.
					Returned to House.
			IN	THE :	HOUSE
January	29,	1985			Received from Senate.
					Sent to enrolling.
					Reported correctly enrolled.

LC 0486/01

1	HOUSE BILL NO. 76	1	claim
2	INTRODUCED BYM, WILLIAMS	2	recor
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4	A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES	4	annua
5	CHARGED BY THE COUNTY CLERK FOR FILING NOTARIAL COMMISSIONS	5	the i
6	AND ISSUING CERTIFICATES OF OFFICIAL CHARACTER TO CONFORM	6	
7	WITH THE FEE CHARGED BY THE SECRETARY OF STATE; AMENDING	7	and
8	SECTIONS 1-5-408 AND 7-4-2631, MCA."	8	
9		9	50 ce
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	10	
11	Section 1. Section 1-5-408, MCA, is amended to read:	11	execu
12	"1-5-408. Fees for filing commission and issuing	12	requi
13	certificates. The secretary of state shall receive for each	13	
14	certificate of official character issued, with seal	14	ficti
15	attached, \$2. The county clerk of any county in this state	15	
16	with-whom-a-copy-of-notarial-commission-has-been-filed shall	16	plus:
17	receive for-filing-same-50-cents-and-for-each-certificate-of	17	
18	officialcharacterissued;with-seal-attached;-50-cents $\underline{a}$	18	
19	fee as provided in 7-4-2631 for filing a copy of the	19	cents
20	commission and certifying to the official character."	20	
21	Section 2. Section 7-4-2631, MCA, is amended to read:	21	there
22	"7-4-2631. Fees of county clerk. (1) The county clerks	22	
23	must charge, for the use of their respective counties:	23	
24	(a) for recording and indexing each certificate of	24	25 ce
25	location of a quartz or placer mining claim or millsite	25	
	*		

Montana Legislative Council

m, including a certificate that the instrument has been ded with seal affixed, \$6; (b) for recording and indexing each affidavit of al labor on a mining claim, including certificate that nstrument has been recorded with seal affixed: (i) for the first mining claim in the affidavit, \$3; (ii) for each additional mining claim included in it, ents: (c) for filing and indexing each writ of attachment, ution, certificate of sale, lien, or other instrument ired by law to be filed and indexed, \$2; (d) for filing and indexing each certificate of itious name, \$3; (e) for filing of subdivision and townsite plats, \$5 • (i) for each lot up to and including 100, 50 cents; (ii) for each additional lot in excess of 100, 25 s; (f) for filing certificates of surveys and amendments eto, \$5 plus 50 cents per tract or lot; (g) for a copy of a record or paper: (i) for the first page of any document, 50 cents, and ents for each subsequent page; and (ii) for each certification with seal affixed, \$1;

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(h) for searching an index record of files of the
 office for each year when required in abstracting or
 otherwise, 50 cents;

4 (i) for administering an oath with certificate and 5 seal, no charge;

6 (j) for taking and certifying an acknowledgment, with
7 seal affixed, for signature to it, no charge;

(k) for documents requiring multiple indexing 8 9 (including but not limited to mortgages; releases; deeds; 10 certificates of location; affidavits of annual labor on mining claims; assignments of leases; assignments of 11 12 mortgages; oil, gas, and mineral leases; releases of oil, 13 gas, and mineral leases; assignments of overriding royalties; executions; lis pendens; attachments; and all 14 15 liens), 50 cents per entry in excess of the first entry 16 contained in a single document;

17 (1) for filing, indexing, or other services provided 18 for by 30-9-401 through 30-9-407, the fees prescribed in 19 those sections;

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

23 (n)--for--filing7--recording7--or--indexing--any--other
 24 instrument--not--expressly--provided--for-in-this-section-or
 25 7-4-26327-the-same-fee-provided-in-this-section-or-7-4-2632

for-a-similar-service;

1

2 (n) for filing a copy of notarial commission and 3 issuing a certificate of official character of such notary 4 public, \$2; 5 (o) for each certified copy of a birth certificate or 6 a death certificate, \$2; (p) for filing, recording, or indexing any other 7 8 instrument not expressly provided for in this section or 9 7-4-2632, the same fee provided in this section or 7-4-2632 10 for a similar service. (2) State agencies submitting documents to be put of 11 12 record shall pay the fees provided for in this section. 13 These fees must be paid by a state agency on a monthly 14 basis."

-End-

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49th Legislature

LC 0486/01

APPROVED BY COMM. On Local Government

Montana Legislative Council

1	HOUSE BILL NO76
2	INTRODUCED BYM. WILLIAMS
3	
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES
5	CHARGED BY THE COUNTY CLERK FOR FILING NOTARIAL COMMISSIONS
6	AND ISSUING CERTIFICATES OF OFFICIAL CHARACTER TO CONFORM
7	WITH THE FEE CHARGED BY THE SECRETARY OF STATE; AMENDING
8	SECTIONS 1-5-408 AND 7-4-2631, MCA."
9	
10	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11	Section 1. Section 1-5-408, MCA, is amended to read:
12	*1-5-408. Fees for filing commission and issuing
13	certificates. The secretary of state shall receive for each
14	certificate of official character issued, with seal
15	attached, \$2. The county clerk of any county in this state
16	with-whom-a-copy-of-notarial-commission-has-been-filed shall
17	receive for-filing-same-50-cents-and-for-each-certificate-of
18	officialcharacterissued;with-seal-attached;-50-cents $\underline{a}$
19	fee as provided in 7-4-2631 for filing a copy of the
20	commission and certifying to the official character."
21	Section 2. Section 7-4-2631, MCA, is amended to read:
22	"7-4-2631. Fees of county clerk. (1) The county clerks
23	must charge, for the use of their respective counties:
24	(a) for recording and indexing each certificate of
25	location of a quartz or placer mining claim or millsite

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claim, including a certificate that the instrument has been
 recorded with seal affixed, \$6;
 (b) for recording and indexing each affidavit of

3 (b) for recording and indexing each affidavit of
4 annual labor on a mining claim, including certificate that
5 the instrument has been recorded with seal affixed;

6 (i) for the first mining claim in the affidavit, \$3;7 and

8 (ii) for each additional mining claim included in it,
9 50 cents;

10 (c) for filing and indexing each writ of attachment,
11 execution, certificate of sale, lien, or other instrument
12 required by law to be filed and indexed, \$2;

13 (d) for filing and indexing each certificate of 14 fictitious name, \$3;

15 (e) for filing of subdivision and townsite plats, \$5 16 plus:

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

18 (ii) for each additional lot in excess of 100, 25 19 cents;

20 (f) for filing certificates of surveys and amendments
21 thereto, \$5 plus 50 cents per tract or lot;

22 (g) for a copy of a record or paper:

23 (i) for the first page of any document, 50 cents, and

24 25 cents for each subsequent page; and

25 (ii) for each certification with seal affixed, \$1;

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(h) for searching an index record of files of the
 office for each year when required in abstracting or
 otherwise, 50 cents;

4 (i) For administering an oath with certificate and
5 seal, no charge;

6 (j) for taking and certifying an acknowledgment, with
7 seal affixed, for signature to it, no charge;

8 (k) for documents requiring multiple indexing (including but not limited to mortgages; releases; deeds; 9 certificates of location; affidavits of annual labor on 10 11 mining claims; assignments of leases; assignments of 12 mortgages; oil, gas, and mineral leases; releases of oil, mineral leases; assignments of overriding 13 gas, and royalties; executions; lis pendens; attachments; and all 14 15 liens), 50 cents per entry in excess of the first entry contained in a single document; 16

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

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

23 (n)--for--filing,--recording,--or--indexing--any--other
 24 instrument--not--expressly--provided--for-in-this-section-or
 25 7-4-2632,-the-same-fee-provided-in-this-section-or--7-4-2632

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1 for-a-similar-service;

2 (n) for filing a copy of notarial commission and issuing a certificate of official character of such notary 3 4 public, \$2; 5 (o) for each certified copy of a birth certificate or 6 a death certificate, \$2; 7 (p) for filing, recording, or indexing any other instrument not expressly provided for in this section or 8 9 7-4-2632, the same fee provided in this section or 7-4-2632 10 for a similar service. 11 (2) State agencies submitting documents to be put of 12 record shall pay the fees provided for in this section.

13 These fees must be paid by a state agency on a monthly 14 basis."

-End-

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1	HOUSE BILL NO. 76	1	location of a quartz or placer mining claim or millsite
2	INTRODUCED BY M, WILLIAMS	2	claim, including a certificate that the instrument has been
3		3	recorded with seal affixed, \$6;
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES	4	<pre>(b) for recording and indexing each affidavit of</pre>
5	CHARGED BY THE COUNTY CLERK FOR FILING NOTARIAL COMMISSIONS	5	annual labor on a mining claim, including certificate that
6	AND ISSUING CERTIFICATES OF OFFICIAL CHARACTER TO CONFORM	6	the instrument has been recorded with seal affixed:
7	WITH THE FEE CHARGED BY THE SECRETARY OF STATE; AMENDING	7	(i) for the first mining claim in the affidavit, \$3;
8	SECTIONS 1-5-408 AND 7-4-2631, MCA; AND PROVIDING AN	8	and
9	EFFECTIVE DATE."	9	(ii) for each additional mining claim included in it,
10		10	50 cents;
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	(c) for filing and indexing each writ of attachment,
12	Section 1. Section 1-5-408, MCA, is amended to read:	12	execution, certificate of sale, lien, or other instrument
13	"1-5-408. Fees for filing commission and issuing	13	required by law to be filed and indexed, \$2;
14	certificates. The secretary of state shall receive for each	14	(d) for filing and indexing each certificate of
15	certificate of official character issued, with seal	15	fictitious name, \$3;
16	attached, \$2. The county clerk of any county in this state	16	(e) for filing of subdivision and townsite plats, \$5
17	with-whom-a-copy-of-notarial-commission-has-been-filed shall	17	plus:
18	receive for-filing-same-50-cents-and-for-each-certificate-of	18	(i) for each lot up to and including 100, 50 cents;
19	official-character-issuedy-with-seal-attachedy50cents $\underline{a}$	19	(ii) for each additional lot in excess of 100, 25
20	fee as provided in 7-4-2631 for filing a copy of the	20	cents;
21	commission and certifying to the official character."	21	(f) for filing certificates of surveys and amendments
22	Section 2. Section 7-4-2631, MCA, is amended to read:	22	thereto, \$5 plus 50 cents per tract or lot;
23	"7-4-2631. Fees of county clerk. (1) The county clerks	23	(g) for a copy of a record or paper:
24	must charge, for the use of their respective counties:	24	(i) for the first page of any document, 50 cents, and
25	(a) for recording and indexing each certificate of	25	25 cents for each subsequent page; and
	A.		-2- HB 76



THIRD READING

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(ii) for each certification with seal affixed, \$1;
 (h) for searching an index record of files of the
 office for each year when required in abstracting or

4 otherwise, 50 cents;

5 (i) for administering an oath with certificate and
6 seal, no charge;

7 (j) for taking and certifying an acknowledgment, with
8 seal affixed, for signature to it, no charge;

9 (k) for documents requiring multiple indexing 10 (including but not limited to mortgages; releases; deeds; 11 certificates of location; affidavits of annual labor on mining claims; assignments of leases; assignments of 12 13 mortgages; oil, gas, and mineral leases; releases of oil, 14 gas, and mineral leases; assignments of overriding 15 royalties; executions; lis pendens; attachments; and all 16 liens), 50 cents per entry in excess of the first entry 17 contained in a single document;

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

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

 24
 {n}--for-filing7-recording7-or-indexing-any-other

 25
 instrument-not-expressly-provided-for--in-this-section--or

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1 7-4-26327--the-same-fee-provided-in-this-section-or-7-4-2632 for-a-similar-service+ 2 3 (n) for filing a copy of notarial commission and 4 issuing a certificate of official character of such notary 5 public, \$2; 6 (o) for each certified copy of a birth certificate or a death certificate, \$2; 7 8 (p) for filing, recording, or indexing any other 9 instrument not expressly provided for in this section or 10 7-4-2632, the same fee provided in this section or 7-4-2632 11 for a similar service. 12 (2) State agencies submitting documents to be put of 13 record shall pay the fees provided for in this section. 14 These fees must be paid by a state agency on a monthly 15 basis." 16 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS 17 EFFECTIVE JULY 1, 1985.

-End-

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HB 76

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1	HOUSE BILL NO. 76	1	location of a quartz or placer mining claim or millsite
2	INTRODUCED BY M. WILLIAMS	2	claim, including a certificate that the instrument has been
3		3	recorded with seal affixed, \$6;
4	A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES	4	(b) for recording and indexing each affidavit of
5	CHARGED BY THE COUNTY CLERK FOR FILING NOTARIAL COMMISSIONS	5	annual labor on a mining claim, including certificate that
6	AND ISSUING CERTIFICATES OF OFFICIAL CHARACTER TO CONFORM	6	the instrument has been recorded with seal affixed:
7	WITH THE FEE CHARGED BY THE SECRETARY OF STATE; AMENDING	7	(i) for the first mining claim in the affidavit, \$3;
8	SECTIONS 1-5-408 AND 7-4-2631, MCA; AND PROVIDING AN	8	and
9	EFFECTIVE DATE."	9	(ii) for each additional mining claim included in it,
10		10	50 cents;
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	11	(c) for filing and indexing each writ of attachment,
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13	"1-5-408. Fees for filing commission and issuing	13	required by law to be filed and indexed, \$2;
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15	certificate of official character issued, with seal	15	fictitious name, \$3;
16	attached, \$2. The county clerk of any county in this state	16	(e) for filing of subdivision and townsite plats, \$5
17	with-whom-a-copy-of-notarial-commission-has-been-filed shall	17	plus:
18	receive for-filing-same-50-cents-and-for-each-certificate-of	18	<li>(i) for each lot up to and including 100, 50 cents;</li>
19	official-character-issuedy-with-seal-attachedy50cents $\underline{a}$	19	(ii) for each additional lot in excess of 100, 25
20	fee as provided in 7-4-2631 for filing a copy of the	20	cents;
21	commission and certifying to the official character."	21	(f) for filing certificates of surveys and amendments
22	Section 2. Section 7-4-2631, MCA, is amended to read:	22	thereto, \$5 plus 50 cents per tract or lot;
23	"7-4-2631. Fees of county clerk. (1) The county clerks	23	(g) for a copy of a record or paper:
24	must charge, for the use of their respective counties:	24	(i) for the first page of any document, 50 cents, and
25	(a) for recording and indexing each certificate of	25	25 cents for each subsequent page; and



REFERENCE BILL

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HB 76

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basis."

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(ii) for each certification with seal affixed, \$1;
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(m) for recording each stock subscription and
 contract, stock certificate, and articles of incorporation
 for water users' associations, \$3;

24 (n)--for--filing,--recording,-or--indexing--any--other 25 instrument-not-expressly-provided-for--in--this--section--or

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3 (n) for filing a copy of notarial commission and 4 issuing a certificate of official character of such notary 5 public, \$2; 6 (0) . for each certified copy of a birth certificate or 7 a death certificate, \$2; 8 (p) for filing, recording, or indexing any other 9 instrument not expressly provided for in this section or 10 7-4-2632, the same fee provided in this section or 7-4-2632 11 for a similar service. 12 (2) State agencies submitting documents to be put of 13 record shall pay the fees provided for in this section. 14 These fees must be paid by a state agency on a monthly

7-4-26327--the-same-fee-provided-in-this-section-or-7-4-2632

16 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS

17 EFFECTIVE JULY 1, 1985.

for-a-similar-service-

-End-

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