

HOUSE BILL NO. 76  
INTRODUCED BY M. WILLIAMS

IN THE HOUSE

|                  |  |
|------------------|--|
| January 7, 1985  | Introduced and referred to<br>Committee on Local Government.       |
| January 9, 1985  | Committee recommend bill do<br>pass. Report adopted.               |
| January 10, 1985 | Bill printed and placed on<br>members' desks.                      |
| January 12, 1985 | Second reading, do pass as<br>amended.<br><br>Correctly engrossed. |
| January 14, 1985 | Third reading, passed.<br>Transmitted to Senate.                   |

IN THE SENATE

|                  |   |
|------------------|---|
| January 15, 1985 | Introduced and referred to<br>Committee on Local Government.                  |
| January 25, 1985 | Committee recommend bill be<br>concurrred in. Report adopted.                 |
| January 26, 1985 | Second reading, concurrred in.  |
| January 29, 1985 | Third reading, concurrred in.<br>Ayes, 47; Noes, 1.<br><br>Returned to House. |

IN THE HOUSE

|                  |   |
|------------------|---|
| January 29, 1985 | Received from Senate.<br><br>Sent to enrolling.<br><br>Reported correctly enrolled. |
|------------------|---|

1                   HOUSE       BILL NO. 76  
2   INTRODUCED BY    M. 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   ~~official-character-issued-with-seal-attached, 50-cents 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

1   claim, including a certificate that the instrument has been  
2   recorded with seal affixed, \$6;

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;

1 (h) for searching an index record of files of the  
2 office for each year when required in abstracting or  
3 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  
9 (including but not limited to mortgages; releases; deeds;  
10 certificates of location; affidavits of annual labor on  
11 mining claims; assignments of leases; assignments of  
12 mortgages; oil, gas, and mineral leases; releases of oil,  
13 gas, and mineral leases; assignments of overriding  
14 royalties; executions; lis pendens; attachments; and all  
15 liens), 50 cents per entry in excess of the first entry  
16 contained in a single document;

17 (l) 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~~

1 ~~for a similar service;~~

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;

7 (p) for filing, recording, or indexing any other  
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.

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-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

1                   HOUSE       BILL NO. 76  
2   INTRODUCED BY    M. 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   official-character-issued,--with-seal-attached,--50-cents 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

1   claim, including a certificate that the instrument has been  
2   recorded with seal affixed, \$6;

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;



1 (h) for searching an index record of files of the  
2 office for each year when required in abstracting or  
3 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  
9 (including but not limited to mortgages; releases; deeds;  
10 certificates of location; affidavits of annual labor on  
11 mining claims; assignments of leases; assignments of  
12 mortgages; oil, gas, and mineral leases; releases of oil,  
13 gas, and mineral leases; assignments of overriding  
14 royalties; executions; lis pendens; attachments; and all  
15 liens), 50 cents per entry in excess of the first entry  
16 contained in a single document;

17 (l) 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~~

1 ~~for a similar service;~~

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;

7 (p) for filing, recording, or indexing any other  
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.

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-

HOUSE BILL NO. 76

INTRODUCED BY M. WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES CHARGED BY THE COUNTY CLERK FOR FILING NOTARIAL COMMISSIONS AND ISSUING CERTIFICATES OF OFFICIAL CHARACTER TO CONFORM WITH THE FEE CHARGED BY THE SECRETARY OF STATE; AMENDING SECTIONS 1-5-408 AND 7-4-2631, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 1-5-408, MCA, is amended to read:

"1-5-408. Fees for filing commission and issuing certificates. The secretary of state shall receive for each certificate of official character issued, with seal attached, \$2. The county clerk of any county in this state with-whom-a-copy-of-notarial-commission-has-been-filed shall receive for-filing-same-50-cents-and-for-each-certificate-of-official-character-issued,with-seal-attached,--50--cents a fee as provided in 7-4-2631 for filing a copy of the commission and certifying to the official character."

Section 2. 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 each certificate of

location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with seal affixed, \$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, \$3; 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, \$2;

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

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

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

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

(f) for filing certificates of surveys and amendments thereto, \$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 25 cents for each subsequent page; and



1 (ii) for each certification with seal affixed, \$1;  
 2 (h) for searching an index record of files of the  
 3 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  
 12 mining claims; assignments of leases; assignments of  
 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 (l) for filing, indexing, or other services provided  
 19 for by 30-9-401 through 30-9-407, the fees prescribed in  
 20 those sections;  
 21 (m) for recording each stock subscription and  
 22 contract, stock certificate, and articles of incorporation  
 23 for water users' associations, \$3;  
 24 ~~(n) for filing, recording, or indexing any other~~  
 25 ~~instrument not expressly provided for in this section or~~

1 ~~7-4-2632, the same fee provided in this section or 7-4-2632~~  
 2 ~~for a similar service;~~  
 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  
 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  
 15 basis."  
 16 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS  
 17 EFFECTIVE JULY 1, 1985.

-End-

HOUSE BILL NO. 76

INTRODUCED BY M. WILLIAMS

A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE FEES CHARGED BY THE COUNTY CLERK FOR FILING NOTARIAL COMMISSIONS AND ISSUING CERTIFICATES OF OFFICIAL CHARACTER TO CONFORM WITH THE FEE CHARGED BY THE SECRETARY OF STATE; AMENDING SECTIONS 1-5-408 AND 7-4-2631, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 1-5-408, MCA, is amended to read:

"1-5-408. Fees for filing commission and issuing certificates. The secretary of state shall receive for each certificate of official character issued, with seal attached, \$2. The county clerk of any county in this state with-whom-a-copy-of-notarial-commission-has-been-filed shall receive for-filing-same-50-cents-and-for-each-certificate-of-official-character-issued-with-seal-attached--50--cents a fee as provided in 7-4-2631 for filing a copy of the commission and certifying to the official character."

Section 2. 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 each certificate of

location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with seal affixed, \$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, \$3; 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, \$2;

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

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

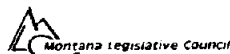
(i) for each lot up to and including 100, 50 cents;

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

(f) for filing certificates of surveys and amendments thereto, \$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 25 cents for each subsequent page; and





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

2 (h) for searching an index record of files of the  
3 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  
12 mining claims; assignments of leases; assignments of  
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 (l) for filing, indexing, or other services provided  
19 for by 30-9-401 through 30-9-407, the fees prescribed in  
20 those sections;

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

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

1 ~~7-4-2632, the same fee provided in this section or 7-4-2632~~  
2 ~~for a similar service;~~

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  
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  
15 basis."

16 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS  
17 EFFECTIVE JULY 1, 1985.

-End-