

HOUSE BILL NO. 77  
INTRODUCED BY M. WILLIAMS

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Local Government.
January 9, 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.
February 6, 1985	Committee recommend bill be concurrent in. Report adopted.
February 7, 1985	Second reading, concurred in.
February 9, 1985	Third reading, concurred in. Ayes, 44; Noes, 5.  Returned to House.

IN THE HOUSE

February 11, 1985	Received from Senate.  Sent to enrolling.  Reported correctly enrolled.
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE  
5 RECORDING FEES CHARGED BY THE COUNTY CLERK; AMENDING  
6 SECTIONS 7-4-2631 AND 7-4-2632, MCA."

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

9 Section 1. Section 7-4-2631, MCA, is amended to read:  
10 "7-4-2631. Fees of county clerk. (1) The county clerks  
11 must charge, for the use of their respective counties:

12 (a) for recording and indexing each certificate of  
13 location of a quartz or placer mining claim or millsite  
14 claim, including a certificate that the instrument has been  
15 recorded with seal affixed, \$6;

16 (b) for recording and indexing each affidavit of  
17 annual labor on a mining claim, including certificate that  
18 the instrument has been recorded with seal affixed:

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

21 (ii) for each additional mining claim included in it,  
22 50 cents;

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

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

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

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

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

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

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

11 (i) for the first page of any document, 50 cents, and  
12 25 cents for each subsequent page; and

13 (ii) for each certification with seal affixed, \$1 \$2;

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

17 (i) for administering an oath with certificate and  
18 seal, no charge;

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

21 ~~(k) for documents requiring multiple indexing~~  
22 ~~(including but not limited to mortgages, releases, deeds,~~  
23 ~~certificates of location, affidavits of annual labor on~~  
24 ~~mining claims, assignments of leases, assignments of~~  
25 ~~mortgages, oil, gas, and mineral leases, releases of oil,~~



1 ~~gas, and mineral leases; assignments of overriding~~  
 2 ~~royalties; executions; lis pendens; attachments; and all~~  
 3 ~~items; 50 cents per entry in excess of the first entry~~  
 4 ~~contained in a single document;~~

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

8 ~~(l)~~ for recording each stock subscription and  
 9 contract, stock certificate, and articles of incorporation  
 10 for water users' associations, \$3;

11 ~~(m)~~ for filing, recording, or indexing any other  
 12 instrument not expressly provided for in this section or  
 13 7-4-2632, the same fee provided in this section or 7-4-2632  
 14 for a similar service;

15 ~~(n)~~ for each certified copy of a birth certificate  
 16 or a death certificate, \$2.

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

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

22 "7-4-2632. Fee when recording done by mechanical  
 23 means. Where recording is done by photographic or similar  
 24 process, the county clerk and recorder shall charge ~~\$2.50~~ \$5  
 25 for each page or fraction of a page of the instrument for

1 recording."

-End-

APPROVED BY COMM.  
ON LOCAL GOVERNMENT

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18 the instrument has been recorded with seal affixed:

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22 50 cents;

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

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

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18 seal, no charge;

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

21                   {k) ~~for documents requiring multiple indexing~~  
22 ~~(including but not limited to mortgages, releases, deeds,~~  
23 ~~certificates of location, affidavits of annual labor on~~  
24 ~~mining claims, assignments of leases, assignments of~~  
25 ~~mortgages, oil, gas, and mineral leases, releases of oil,~~



1 gas,---and---mineral---leases,---assignments--of--overriding  
 2 royalties,--executions,--lis--pendens,--attachments,--and--all  
 3 liens,--50--cents--per--entry--in--excess--of--the--first--entry  
 4 contained--in--a--single--document,

5 {t}{k} for filing, indexing, or other services  
 6 provided for by 30-9-401 through 30-9-407, the fees  
 7 prescribed in those sections;

8 {m}{l} for recording each stock subscription and  
 9 contract, stock certificate, and articles of incorporation  
 10 for water users' associations, \$3;

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1 mortgages, oil, gas, and mineral leases, releases of oil,  
 2 gas, and mineral leases, assignments of overriding  
 3 royalties, executions, liens, attachments, and all  
 4 liens, 50 cents per entry in excess of the first entry  
 5 contained in a single document;

6 (k) for filing, indexing, or other services  
 7 provided for by 30-9-401 through 30-9-407, the fees  
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 10 contract, stock certificate, and articles of incorporation  
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3 NEW SECTION. SECTION 3. EFFECTIVE DATE. THIS ACT IS  
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