HOUSE BILL NO. 232

INTRODUCED BY THOMAS

BY REQUEST OF THE SECRETARY OF STATE

IN THE HOUSE

- JANUARY 15, 1987 INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & LABOR.
- FEBRUARY 6, 1987 COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
- FEBRUARY 7, 1987 PRINTING REPORT.
- FEBRUARY 10, 1987 SECOND READING, DO PASS.

ON MOTION, TAKEN FROM ENGROSSING AND REFERRED TO COMMITTEE ON APPROPRIATIONS.

- FEBRUARY 14, 1987 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
- FEBRUARY 17, 1987 SECOND READING, DO PASS.
- FEBRUARY 18, 1987 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 87; NOES, 1.

TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1987INTRODUCED AND REFERRED TO COMMITTEEON BUSINESS & INDUSTRY.

- MARCH 6, 1987 COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
- MARCH 10, 1987 SECOND READING, CONCURRED IN.

MARCH	10,	1987	ON MOTION, SEGREGATED FROM COMMITTEE OF THE WHOLE REPORT.
			ON MOTION, BILL PLACED ON SECOND READING THE 54TH LEGISLATIVE DAY.
MARCH	12,	1987	SECOND READING, CONCURRED IN.
MARCH	14,	1987	THIRD READING, CONCURRED IN. AYES, 50; NOES, 0.
			RETURNED TO HOUSE.
		IN	THE HOUSE
MARCH	14,	1987	RECEIVED FROM SENATE.
			SENT TO ENROLLING.

LC 0787/01

INTRODUCED BY 1 2 BY REQUEST OF THE SECRETARY OF STATE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FROM \$5 TO 5

\$15 THE FEE FOR REVIVER OF A CORPORATION AFTER SUSPENSION OR
FORFEITURE; PROVIDING FOR COLLECTION AND DISPOSITION OF
PEES; AMENDING SECTIONS 15-31-524, 30-13-217, 30-13-320,
35-1-1201, 35-2-1001, 71-3-205, AND 71-3-206, MCA; AND
REPEALING SECTIONS 35-1-1202 AND 35-1-1203, MCA."

11

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

13 Section 1. Section 15-31-524, MCA, is amended to read: "15-31-524. Reviver of corporation after suspension or 14 15 forfeiture. Any corporation which has suffered the suspension or forfeiture referred to in the preceding 16 section may be relieved therefrom upon making application 17 18 therefor in writing supported by a certificate from the 19 department of revenue showing that the required return has 20 been made and filed and/or that the tax and interest and 21 penalties have been paid, for which the suspension or 22 forfeiture occurred. Application for reviver may be made by 23 any stockholder or creditor of the corporation or by a 24 majority of the surviving trustees or directors; and the 25 same shall be filed with the secretary of state, for which

Monzana Legislative Council

he shall receive a filing and recording fee of \$5 \$15. In. 1 2 case the application is made more than 1 year from the date 3 the suspension or forfeiture occurred, the applicant shall ۸ pay twice the amount of the tax and penalties due the state 5 for the taxable year with respect to which the suspension or forfeiture occurred. Upon such payment, the secretary of 6 7 state shall issue a certificate of reviver for which he 8 shall collect a fee of \$5 \$15 and thereupon the applicant shall be revived. The reviver shall be without prejudice to 9 any action, defense, or right which has accrued by reason of 10 the original suspension or forfeiture. The certificate of 11 12 reviver shall be prima facie evidence of the reviver. Any 13 certificate of reviver provided for in this section may be 14 recorded in the office of the county clerk and recorder in 15 any county of this state."

Section 2. Section 30-13-217, MCA, is amended to read: "30-13-217. Fees and charges to be established and collected by secretary of state. (1) The secretary of state shall by administrative rule establish, charge, and collect in accordance with the provisions of this part and commensurate with costs:

22 (a) fees for filing documents and issuing23 certificates; and

24 (b) miscellaneous charges.

25 (2) The secretary of state shall maintain records

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1	sufficient to support the fees and miscellaneous charges
2	established under this section.
3	(3) The secretary of state shall deposit in the state
4	treasury all fees and miscellaneous charges he collects
5	under this part, and the money is allocated to the secretary
6	of state to pay the expenses of filing documents and issuing
7	certificates."
8	Section 3. Section 30-13-320, MCA, is amended to read:
9	"30-13-320. Secretary of state to establish and
10	collect fees commensurate with costs. The secretary of state
11	shall by administrative rule establish and provide for
12	collection of fees and miscellaneous charges for filing
13	documents and issuing certificates as required by this part.
14	The fees must be commensurate with the costs of processing
15	the documents and certificates. The secretary of state
16	shall maintain records sufficient to support the fees and
17	miscellaneous charges established under this part. The
18	secretary of state shall deposit in the state treasury all
19	fees and miscellaneous charges he collects under this part,
20	and the money is allocated to the secretary of state to pay
21	the expenses of filing documents and issuing certificates."
22	Section 4. Section 35-1-1201, MCA, is amended to read:
23	"35-1-1201. Fees and charges to be collected by
24	secretary of state. (1) The secretary of state shall by
25	administrative rule establish, charge, and collect in

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1	accordance with the provisions of this chapter <u>and</u>
2	commensurate with costs:
3	(1)[a] fees for filing documents and issuing
4	certificates;
5	[2]<u>(b)</u> miscellaneous charges;<u>.</u>
6	(3)license-fees.
7	(2) The secretary of state shall maintain records
8	sufficient to support the fees and miscellaneous charges
9	established under this part.
10	(3) The secretary of state shall deposit in the state
11	treasury all fees and miscellaneous charges he collects
12	under this part, and the money is allocated to the secretary
13	of state to pay the expenses of filing documents and issuing
14	certificates."
15	Section 5. Section 35-2-1001, MCA, is amended to read:
16	"35-2-1001. Fees and charges to be established and
17	collected by secretary of state. (1) The secretary of state
18	shall by administrative rule establish, charge, and collect
19	in accordance with the provisions of this chapter and
20	commensurate with costs:
21	(a) fees for filing documents and issuing
22	certificates; and
23	(b) miscellaneous charges.
24	(2) The secretary of state shall maintain records

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sufficient to support the fees established under this

25

1 section part.

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(3) The secretary of state shall deposit in the state
treasury all fees and miscellaneous charges he collects
under this part, and the money is allocated to the secretary
of state to pay the expenses of filing documents and issuing
certificates."

Section 6. Section 71-3-205, MCA, is amended to read:
"71-3-205. Duties of filing officer. (1) If a notice
of federal lien, a refiling of a notice of federal lien, or
a notice of revocation of any certificate described in
subsection (2) is presented to the filing officer and:

12 (a) he is the secretary of state, he shall cause the 13 notice to be marked, held, and indexed in accordance with 14 the provisions of 30-9-403(4) as if the notice were a 15 financing statement within the meaning of the Uniform 16 Commercial Code; or

17 (b) he is any other officer described in 71-3-204, he 18 shall endorse thereon his identification and the date and 19 time of receipt and forthwith file it alphabetically or 20 enter it in an alphabetical index showing the name and 21 address of the person named in the notice, the date and time 22 of receipt, the title and address of the official or entity 23 certifying the lien, and the total amount appearing on the notice of lien. 24

25 (2) If a certificate of release, nonattachment,

discharge, or subordination of any lien is presented to the
 secretary of state for filing, he shall:

(a) cause a certificate of release or nonattachment to 3 4 be marked, held, and indexed as if the certificate were a termination statement within the meaning of the Uniform 5 Commercial Code, except that the notice of lien to which the 6 certificate relates shall not be removed from the files; and 7 (b) cause a certificate of discharge or subordination 8 9 to be held, marked, and indexed as if the certificate were a release of collateral within the meaning of the Uniform 10 11 Commercial Code.

(3) If a refiled notice of federal lien referred to in 12 subsection (1) or any of the certificates or notices 13 referred to in subsection (2) is presented for filing with 14 any other filing officer specified in 71-3-204, he shall 15 16 permanently attach the refiled notice or the certificate to 17 the original notice of lien and shall enter the refiled notice or the certificate, with the date of filing, in any 18 alphabetical lien index on the line where the original 19 notice of lien is entered. 20

(4) Upon request of any person, the filing officer
shall issue his certificate showing whether there is on
file, on the date and hour stated therein, any notice of
lien or certificate or notice affecting the lien, filed on
or after July 1, 1967, naming a particular person, and if a

1 notice or certificate is on file, giving the date and hour 2 of filing of each notice or certificate. 3 (5)--The-fee-for-a-certificate-is-S2:-Upon-request7-the 4 filing-officer-shall-furnish-a-copy-of-any-notice-of-federal lien-or-notice-or-certificate-affecting-a-federal-lien-for-a 5 б fee-of-Si-per-pager" 7 Section 7. Section 71-3-206, MCA, is amended to read: "71-3-206. Fees. (1) The fee for filing and indexing 8 9` each notice of lien or certificate or notice affecting the tax lien is: must be established and deposited in accordance 10 with the provisions of 30-9-403(12). 11 12 (a)--for-s-lien-on-real-estate;-\$2; (b)--for--a--lien--on--tangible-and-intangible-personal 13 14 property7-\$27 (c)--for-a-certificate-of-discharge--or--subordination; 15 16 Şł; 17 +d+--for--all-other-noticesy-including-a-certificate-of release-or-nonattachment7-92-18 (2) The officer shall bill the district directors of 19 internal revenue or other appropriate federal officials on 20 a monthly basis for fees for documents filed by them." 21 22 NEW SECTION. Section 8. Repealer. Sections 35-1-1202 23 and 35-1-1203, MCA, are repealed.

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STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB232, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB232 would set filing fees for corporate revivers and federal tax liens equivalent to filing fees for comparable documents and require deposit of corporate filing fees in the state special revenue fund to pay the expenses of operating the Corporations Bureau in the Secretary of State's office.

ASSUMPTIONS:

- 1. Approximately 400 federal tax liens and 300 releases of tax liens will be filed annually.
- 2. Approximately 50 corporate revivers will be filed annually.
- 3. Lien filing fees will remain unchanged in the 1989 biennium.
- 4. Fee changes will not alter workload.

FISCAL IMPACT:

1.	Transfer	costs	of C	Corporation	Bureau	from	general	fund	to	state	special	revenue	fund	1.

			FY88	FY89
		General Fund	(\$284,700)	(\$377,300)
		Special Revenue Fund	284,700	377,300
2.	Increase fil	ing fees paid by IRS for federal tax 1	iens. 2,175	2,900
3.	Increase fili	ng fees for corporate reviver.	500	500

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES: None anticipated.

DAVID L. HUNTER, BUIGET DIRECTOR Office of Budget and Program Planning

DATE SPONSOR

Fiscal Note for _____ HB232, as introduced.

APPROVED BY COMM. ON BUSINESS & INDUSTRY

1	HOUSE BILL NO. 232
2	INTRODUCED BY THOMAS
3	BY REQUEST OF THE SECRETARY OF STATE

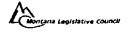
5	A BILL FOR AN ACT ENTITLED:	"AN ACT INCREASING FROM \$5 TO
6	\$15 THE FEE FOR REVIVER OF A	CORPORATION AFTER SUSPENSION OR
7	FORFEITURE; PROVIDING FOR	COLLECTION AND DISPOSITION OF
8	FEES; AND AMENDING SECTIONS	15-31-524, 30-13-217,-30-13-320,
9	35-1-1201, 35-2-1001, 71-3	-205, AND 71-3-206, MCA;ANĐ
10	REPEALING-SECTIONS-35-1-1202	-ANB-35-1-12037-MCA."

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

Section 1. Section 15-31-524, MCA, is amended to read: 13 "15-31-524. Reviver of corporation after suspension or 14 forfeiture. Any corporation which has suffered the 15 suspension or forfeiture referred to in the preceding 16 section may be relieved therefrom upon making application 17 therefor in writing supported by a certificate from the 18 department of revenue showing that the required return has 19 been made and filed and/or that the tax and interest and 20 penalties have been paid, for which the suspension or 21 forfeiture occurred. Application for reviver may be made by 22 any stockholder or creditor of the corporation or by a 23 majority of the surviving trustees or directors; and the 24 same shall be filed with the secretary of state, for which 25



1	he shall receive a filing and recording fee of \$5 \$15. In
2	case the application is made more than 1 year from the date
3	the suspension or forfeiture occurred, the applicant shall
4	pay twice the amount of the tax and penalties due the state
5	for the taxable year with respect to which the suspension or
6	forfeiture occurred. Upon such payment, the secretary of
7	state shall issue a certificate of reviver for which he
8	shall collect a fee of \$5 \$15 and thereupon the applicant
9	shall be revived. The reviver shall be without prejudice to
10	any action, defense, or right which has accrued by reason of
11	the original suspension or forfeiture. The certificate of
12	reviver shall be prima facie evidence of the reviver. Any
13	certificate of reviver provided for in this section may be
14	recorded in the office of the county clerk and recorder in
15	any county of this state."
16	Bection-2Section-30-13-217,-MCA,-is-amended-to-read:
17	#30-13-217Pees-and-chargestobeestablishedand
18	collected-by-secretary-of-state(l)-The-secretary-of-state
19	shallby-administrative-rule-establish7-charge7-and-collect
20	inaccordancewiththeprovisionsofthispartand
21	commensurate-with-costs:
22	ta)feesforfilingdocumentsandissuing
23	certificates;-and
24	<pre>tb)miscellaneous-charges-</pre>

25 (2)--The-secretary--of--state--shall--maintain--records

-2- HB 232 SECOND READING

1	sufficienttosupportthefees-and-miscellaneous-charges
2	established-under-this-section-
3	<u> (3)The-secretary-of-state-shall-deposit-in-thestate</u>
4	treasuryallfeesandmiscellaneouscharges-he-collects
5	under-this-party-and-the-money-is-allocated-to-the-secretary
6	of_state-to-pay-the-expenses-of-filing-documents-and-issuing
7	certificates."
8	Section-3:Section-30-13-320;-MCA;-is-amended-to-read:
9	#30-13-320Secretaryofstatetoestablishand
10	collectfeescommensuratewithcostsThe-secretary-of
11	state-shall-by-administrative-rule-establish-and-provide-for
12	collection-of-feesandmiscellaneouschargesforfiling
13	documents-and-issuing-certificates-as-required-by-this-part-
14	Thefeesmust-be-commensurate-with-the-costs-of-processing
15	the-documents-andcertificatesThesecretary-ofstate
16	shallmaintainrecordssufficient-to-support-the-fees-and
17	miscellancouschargesestablishedunderthispart. The
18	secretaryofstate-shall-deposit-in-the-state-treasury-all
19	fees-and-miscellaneous-charges-he-collects-under-thispart,
20	andthe-money-is-allocated-to-the-secretary-of-state-to-pay
21	the-expenses-of-filing-documents-and-issuingcertificates."
22	Section 2. Section 35-1-1201, MCA, is amended to read:
23	"35~1-1201. Fees and charges to be collected by
24	secretary of state. (1) The secretary of state shall by
25	administrative rule establish, charge, and collect in
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	her man have
1	accordance with the provisions of this chapter and
2	commensurate with costs:
3	(l)<u>(a)</u> fees for filing documents and issuing
4	certificates;
5	(2)(b) miscellaneous charges; <u></u>
6	(3)license-feest
7	(2) The secretary of state shall maintain records
8	sufficient to support the fees and miscellaneous charges
9	established under this part.
10	(3)The-secretary-of-state-shall-deposit-in-thestate
11	treasuryallfeesandmiscellaneouscharges-he-collects
12	under-this-part;-and-the-money-is-allocated-to-the-secretary
13	of-state-to-pay-the-expenses-of-filing-documents-and-issuing
14	certificates."
15	Section-5Section-35-2-10017-MCA7-is-amended-to-read:
16	#35-2-1001Pees-and-chargestobeestablishedand
17	collected-by-secretary-of-state
18	shallby-administrative-rule-establish7-charge7-and-collect
19	in-accordancewiththeprovisionsofthischapterand
20	commensurate-with-costs:
21	ta)feesforfilingdocumentsandissuing
22	certificates;-and
23	(b)miscellaneous-charges-
24	(2)The-secretaryofstateshallmaintainrecords
25	sufficienttosupportthefeesestablishedunderthis

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1 section parts 2 (3)--The-secretary-of-state-shall-deposit-in-the--state 3 treasury--all--fees--and--miscellaneous--charges-he-collects 4 under-this-part;-and-the-money-is-allocated-to-the-secretary 5 of-state-to-pay-the-expenses-of-filing-documents-and-issuing certificates-" 6 7 Section 3. Section 71-3-205, MCA, is amended to read: "71-3-205. Duties of filing officer. (1) If a notice 8 of federal lien, a refiling of a notice of federal lien, or 9 a notice of revocation of any certificate described in 10 11 subsection (2) is presented to the filing officer and: 12 (a) he is the secretary of state, he shall cause the notice to be marked, held, and indexed in accordance with 13 the provisions of 30-9-403(4) as if the notice were a 14 financing statement within the meaning of the Uniform 15 Commercial Code; or 16 (b) he is any other officer described in 71-3-204, he 17 shall endorse thereon his identification and the date and 18 time of receipt and forthwith file it alphabetically or 19 enter it in an alphabetical index showing the name and 20 21 address of the person named in the notice, the date and time of receipt, the title and address of the official or entity 22 certifying the lien, and the total amount appearing on the 23 notice of lien. 24

25 (2) If a certificate of release, nonattachment,

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discharge, or subordination of any lien is presented to the 1 2 secretary of state for filing, he shall:

(a) cause a certificate of release or nonattachment to 3 4 be marked, held, and indexed as if the certificate were a termination statement within the meaning of the Uniform 5 Commercial Code, except that the notice of lien to which the 6 7 certificate relates shall not be removed from the files; and (b) cause a certificate of discharge or subordination 8 to be held, marked, and indexed as if the certificate were a 9 release of collateral within the meaning of the Uniform 10 11 Commercial Code.

(3) If a refiled notice of federal lien referred to in 12 subsection (1) or any of the certificates or notices 13 referred to in subsection (2) is presented for filing with 14 any other filing officer specified in 71-3-204, he shall 15 permanently attach the refiled notice or the certificate to 16 the original notice of lien and shall enter the refiled 17 notice or the certificate, with the date of filing, in any 18 alphabetical lien index on the line where the original 19 20 notice of lien is entered.

(4) Upon request of any person, the filing officer 21 shall issue his certificate showing whether there is on 22 file, on the date and hour stated therein, any notice of 23 lien or certificate or notice affecting the lien, filed on 24 or after July 1, 1967, naming a particular person, and if a 25

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1	notice or certificate is on file, giving the date and hour
2	of filing of each notice or certificate.
3	(5)The-fee-for-a-certificate-is-\$2Upon-request,-the
4	fiting-officer-shall-furnish-a-copy-of-any-notice-of-federal
5	lien-or-notice-or-certificate-affecting-a-federal-lien-for-a
6	fee-of-\$t~per-page-"
7	Section 4. Section 71-3-206, MCA, is amended to read:
8	"71-3-206. Fees. (1) The fee for filing and indexing
9	each notice of lien or certificate or notice affecting the
10	tax lien is; must be established and deposited in accordance
11	with the provisions of 30-9-403(12).
12	<pre>(a)for-a-lien-on-real-estate;-\$2;</pre>
13	(b)for-a-lien-ontangibleandintangiblepersonal
14	property7-\$27
15	<pre>(c)foracertificate-of-discharge-or-subordination;</pre>
16	91 7
17	<pre>(d)for-all-other-notices;-including-a-certificateof</pre>
18	release-or-nonattachment,-927
19	(2) The officer shall bill the district directors of
20	internal revenue or other appropriate federal officials on
21	a monthly basis for fees for documents filed by them."
22	<u>NEW-SECTION:</u> Section-8RepeaterSections-35-1-1202
23	and-35-1-12037-MCA7-are-repeated.

-End-

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1 HOUSE BILL NO. 232 2 INTRODUCED BY THOMAS 3 BY REQUEST OF THE SECRETARY OF STATE 4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING PROM \$5 TO 5 \$15 THE FEE FOR REVIVER OF A CORPORATION AFTER SUSPENSION OR 6 FORFEITURE: PROVIDING FOR COLLECTION AND DISPOSITION OF 7 8 FEES; AND AMENDING SECTIONS 15-31-524, 30-13-217-30-13-3207 35-1-1201, 35-2-10017 71-3-205, AND 71-3-206, MCA;--AND 9 10 REPEALING-SECTIONS-35-1-1202-AND-35-1-1203--MCA." 11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 12 Section 1. Section 15-31-524, MCA, is amended to read: 13 *15-31-524. Reviver of corporation after suspension or 14 forfeiture. Any corporation which has suffered the 15 suspension or forfeiture referred to in the preceding 16 17 section may be relieved therefrom upon making application therefor in writing supported by a certificate from the 18 department of revenue showing that the required return has 19 been made and filed and/or that the tax and interest and 20 penalties have been paid, for which the suspension or 21 forfeiture occurred. Application for reviver may be made by 22 any stockholder or creditor of the corporation or by a 23 majority of the surviving trustees or directors; and the 24 same shall be filed with the secretary of state, for which 25



he shall receive a filing and recording fee of \$5 \$15. In 1 case the application is made more than 1 year from the date 2 the suspension or forfeiture occurred, the applicant shall з pay twice the amount of the tax and penalties due the state 4 for the taxable year with respect to which the suspension or 5 forfeiture occurred. Upon such payment, the secretary of 6 7 state shall issue a certificate of reviver for which he shall collect a fee of \$5 \$15 and thereupon the applicant 8 shall be revived. The reviver shall be without prejudice to 9 any action, defense, or right which has accrued by reason of 10 the original suspension or forfeiture. The certificate of 11 reviver shall be prima facie evidence of the reviver. Any 12 certificate of reviver provided for in this section may be 13 recorded in the office of the county clerk and recorder in 14 any county of this state." 15

Section-21--Section-30-13-2177-MCAy-is-amended-to-read: 16 *30-13-217--Pees-and-charges--to--be--established--and 17 18 19 shall--by-administrative-rule-establishy-chargey-and-collect 20 in--accordance--with--the--provisions--of--this---part---and 21 commensurate-with-costs-22

ta)--fees----for----filing----documents---and---issuing

23 certificates;-and

24 (b)--miscellaneous-charges-

{2}--The-secretary--of--state--shall--maintain--records 25

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HB 232 THIRD READING

1	sufficienttosupportthefees-and-miscellaneous-charges
2	established-under-this-section-
3	(3)The-secretary-of-state-shall-deposit-in-thestate
4	treasuryallfeesandmiscellaneouscharges-he-collects
5	under-this-party-and-the-money-is-allocated-to-the-secretary
6	of-state-to-pay-the-expenses-of-filing-documents-and-issuing
7	certificates."
8	Section-3Section-30-13-3207-MCAy-is-amended-to-read:
9	#30-13-320Secretaryofstatetoestablishand
10	collectfeescommensuratewithcosts:The-secretary-of
11	state-shall-by-administrative-rule-establish-and-provide-for
12	collection-of-feesandmiscellaneouschargesforfiling
13	documents-and-issuing-certificates-as-required-by-this-part;
14	Thefeesmust-be-commensurate-with-the-costs-of-processing
15	the-documents-andcertificatesThesecretaryofstate
16	shallmaintainrecordssufficient-to-support-the-fees-and
17	miscellaneouschargesestablishedunderthispart; The
18	secretaryofstate-shall-deposit-in-the-state-treasury-all
19	fees-and-miscellaneous-charges-he-collects-under-thisparty
20	andthe-money-is-allocated-to-the-secretary-of-state-to-pay
21	the expenses of filing documents and issuing - certificates.
22	Section 2. Section 35-1-1201, MCA, is amended to read:
23	"35-1-1201. Fees and charges to be collected by
24	secretary of state. (1) The secretary of state shall by
25	administrative rule establish, charge, and collect in

1	accordance with the provisions of this chapter and
2	commensurate with costs:
3	<pre>tt(a) fees for filing documents and issuing</pre>
4	certificates;
5	(2)<u>(b)</u> miscellaneous charges;<u>.</u>
6	(3)license-fees.
7	(2) The secretary of state shall maintain records
8	sufficient to support the fees and miscellaneous charges
9	established under this part.
10	(3)The-secretary-of-state-shall-deposit-in-thestate
11	treasuryallfeesandmiscellaneouscharges-he-collects
12	under-this-party-and-the-money-is-allocated-to-the-secretary
13	of-state-to-pay-the-expenses-of-filing-documents-and-issuing
14	<u>certificateo:</u> "
15	Section-5Section-35-2-10017-MCA7-is-amended-to-read:
16	*35-2-1001Pees-and-chargestobeestablishedand
17	collected-by-secretary-of-state(l)-The-secretary-of-state
18	shallby-administrative-rule-establish;-charge;-and-collect
19	in-accordancewiththeprovisionsofthischapterand
20	commensurate-with-costs:
21	ta;feesforfilingdocumentsandissuing
22	certificates;-and
23	tb)miscellaneous-charges-
24	(2)The-secretaryofstateshallmaintainrecords
25	sufficienttosupportthefeesestablishedunderthis

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1 section part=
2 <u>{3}--The-secretary-of-state-shall-deposit-in-the--state</u>
3 <u>treasury-all-fees-and-miscellaneous-charges-he-collects</u>

4 <u>under-this-part;-and-the-money-is-allocated-to-the-secretary</u> 5 <u>of-state-to-pay-the-expenses-of-filing-documents-and-issuing</u> 6 certificates:*

7 Section 3. Section 71-3-205, MCA, is amended to read:
8 "71-3-205. Duties of filing officer. (1) If a notice
9 of federal lien, a refiling of a notice of federal lien, or
10 a notice of revocation of any certificate described in
11 subsection (2) is presented to the filing officer and:

(a) he is the secretary of state, he shall cause the
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 17 shall endorse thereon his identification and the date and 18 time of receipt and forthwith file it alphabetically or 19 enter it in an alphabetical index showing the name and 20 address of the person named in the notice, the date and time 21 of receipt, the title and address of the official or entity 22 certifying the lien, and the total amount appearing on the 23 notice of lien. 24

25 (2) If a certificate of release, nonattachment,

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1 discharge, or subordination of any lien is presented to the 2 secretary of state for filing, he shall:

(a) cause a certificate of release or nonattachment to 3 be marked, held, and indexed as if the certificate were a 4 termination statement within the meaning of the Uniform 5 Commercial Code, except that the notice of lien to which the 6 certificate relates shall not be removed from the files: and 7 8 (b) cause a certificate of discharge or subordination to be held, marked, and indexed as if the certificate were a 9 release of collateral within the meaning of the Uniform 10 Commercial Code. 11

(3) If a refiled notice of federal lien referred to in 12 subsection (1) or any of the certificates or notices 13 referred to in subsection (2) is presented for filing with 14 15 any other filing officer specified in 71-3-204, he shall 16 permanently attach the refiled notice or the certificate to 17 the original notice of lien and shall enter the refiled 18 notice or the certificate, with the date of filing, in any alphabetical lien index on the line where the original 19 20 notice of lien is entered.

(4) Upon request of any person, the filing officer
shall issue his certificate showing whether there is on
file, on the date and hour stated therein, any notice of
lien or certificate or notice affecting the lien, filed on
or after July 1, 1967, naming a particular person, and if a

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ı	notice or certificate is on file, giving the date and hour
2	of filing of each notice or certificate.
3	(5)-~The-fee-for-a-certificate-is-\$2;-Upon-requesty-the
4	filing-officer-shall-furnish-a-copy-of-any-notice-of-federal
5	lien-or-notice-or-certificate-affecting-a-federal-lien-for-a
6	fee-of-\$1-per-page+"
7	Section 4. Section 71-3-206, MCA, is amended to read:
8	"71-3-206. Fees. (1) The fee for filing and indexing
9	each notice of lien or certificate or notice affecting the
10	tax lien is: must be established and deposited in accordance
11	with the provisions of 30-9-403(12).
12	ta)for-a-lien-on-real-estate;-92;
13	{b}for-a-lien-ontangibleandintangiblepersonal
14	property\$2;
15	<pre>(c)foracertificate-of-discharge-or-subordination;</pre>
16	\$±;
17	<pre>{d}for-all-other-noticesy-including-a-certificateof</pre>
18	release-or-nonattachment;-\$2:
19	(2) The officer shall bill the district directors of
20	internal revenue or other appropriate federal officials on
21	a monthly basis for fees for documents filed by them."
22	<u>NBW-SBCTION.</u> Section-8RepeaterSections-35-1-1202
23	and-35-1-1203;-MCA;-are;repeated;
	-End-

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1	HOUSE BILL NO. 232
2	INTRODUCED BY THOMAS
3	BY REQUEST OF THE SECRETARY OF STATE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING FROM \$5 TO
6	\$15 THE FEE FOR REVIVER OF A CORPORATION AFTER SUSPENSION OR
7	FORFEITURE; PROVIDING FOR COLLECTION AND DISPOSITION OF
8	FEES; AND AMENDING SECTIONS 15-31-524, 30-13-217,-30-13-320,
9	35-1-1201, 35-2-1001, 71-3-205, AND 71-3-206, MCA;ANĐ
10	Repeating-sections-35-1-1202-and-35-1-12037-mea."
11	
12	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13	Section 1. Section 15-31-524, MCA, is amended to read:
14	"15-31-524. Reviver of corporation after suspension or
15	forfeiture. Any corporation which has suffered the
16	suspension or forfeiture referred to in the preceding
17	section may be relieved therefrom upon making application
18	therefor in writing supported by a certificate from the
19	department of revenue showing that the required return has
20	been made and filed and/or that the tax and interest and
21	penalties have been paid, for which the suspension or
22	forfeiture occurred. Application for reviver may be made by
23	any stockholder or creditor of the corporation or by a
24	majority of the surviving trustees or directors; and the
25	same shall be filed with the secretary of state, for which

he shall receive a filing and recording fee of \$5 \$15. In 1 2 case the application is made more than 1 year from the date the suspension or forfeiture occurred, the applicant shall 3 4 pay twice the amount of the tax and penalties due the state for the taxable year with respect to which the suspension or 5 6 forfeiture occurred. Upon such payment, the secretary of 7 state shall issue a certificate of reviver for which he 8 shall collect a fee of \$5 \$15 and thereupon the applicant 9 shall be revived. The reviver shall be without prejudice to any action, defense, or right which has accrued by reason of 10 11 the original suspension or forfeiture. The certificate of reviver shall be prima facie evidence of the reviver. Any 12 certificate of reviver provided for in this section may be 13 recorded in the office of the county clerk and recorder in 14 15 any county of this state." 16 Section-2---Section-30-13-217--MCA--is-amended-to-read-17 #30-13-217--- Fees-and-charges--to--be--established--and 18 collected-by-secretary-of-state---(1)-The-secretary-of-state 19 shall--by-administrative-rule-establish;-charge;-and-collect in--accordance--with--the--provisions--of--this---part---and 20 21 commensurate-with-costs+

- commentatuee with costs.
- 22 tay--fees----for----filing----documents---and---issuing
- 23 certificates; and
- 24 tb;--miscellaneous-charges.
- 25 (2)--The-secretary--of--state--shall--maintain--records

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ı	sufficienttosupportthefees-and-miscellaneous-charges
2	established-under-this-section-
3	(3)The-secretary-of-state-shall-deposit-in-thestate
4	treasuryallfeesandmiscellaneouscharges-he-collects
5	under-this-party-and-the-money-is-allocated-to-the-secretary
6	of-state-to-pay-the-expenses-of-filing-documents-and-issuing
7	certificates:"
8	Section-3Section-30-13-320MCAis-amended-to-read:
9	430-13-320Secretaryofstatetoestablishand
10	collectfeescommensuratewithcostsThe-secretary-of
11	state-shall-by-administrative-rule-establish-and-provide-for
12	collection-of-feesandmiscellaneouschargesforfiling
13	documents-and-issuing-certificates-as-required-by-this-part-
14	Thefeesmust-be-commensurate-with-the-costs-of-processing
15	the-documents-andcertificates:Thesecretaryofstate
16	shallmaintainrecordssufficient-to-support-the-fees-and
17	miscellaneouschargesestablishedunderthispart. The
18	secretaryofstate-shall-deposit-in-the-state-treasury-all
19	fees-and-miscellaneous-charges-he-collects-under-thispart,
20	andthe-money-is-allocated-to-the-secretary-of-state-to-pay
21	the-expenses-of-filing-documents-and-issuingcertificates-
22	Section 2. Section 35-1-1201, MCA, is amended to read:
23	"35-1-1201. Fees and charges to be collected by
24	secretary of state. (1) The secretary of state shall by
25	administrative rule establish, charge, and collect in
	-3- HB 232

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1	accordance with the provisions of this chapter and
2	commensurate with costs:
3	(1)(a) fees for filing documents and issuing
4	certificates;
5	(2)<u>(b)</u> miscellaneous charges<u>7</u>.
6	(3) license-fees.
7	(2) The secretary of state shall maintain records
B	sufficient to support the fees and miscellaneous charges
9	established under this part.
10	(3)The-secretary-of-state-shall-deposit-in-thestate
11	treasuryallfeesandmiscellaneouscharges-he-collects
12	under-this-party-and-the-money-is-allocated-to-the-secretary
13	of-state-to-pay-the-expenses-of-filing-documents-and-issuing
14	certificates:"
15	Section-5Section-35-2-10017-MCA7-is-amended-to-read;
16	495-2-1001Pees-and-chargestobeestablishedand
17	collected-by-secretary-of-state
18	shallby-administrative-rule-establish;-charge;-and-collect
19	in-accordancewiththeprovisionsofthischapterand
20	commensurate-with-costs:
21	<pre>ta)feesforfilingdocumentsandissuing</pre>
22	certificates;-and
23	tb;miscellaneous-charges.
24	<pre>{2}The-secretaryofstateshallmaintainrecords</pre>
25	sufficienttosupportthefeesestablishedunderthis

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1 section part-

2 <u>(3)--The-secretary-of-state-shall-deposit-in-the--state</u> 3 <u>treasury-all--fees--and--miscellaneous--charges-he-collects</u> 4 <u>under-this-part7-and-the-money-is-allocated-to-the-secretary</u> 5 <u>of-state-to-pay-the-expenses-of-filing-documents-and-issuing</u> 6 <u>certificatesr</u>ⁿ

7 Section 3. Section 71-3-205, MCA, is amended to read:
8 "71-3-205. Duties of filing officer. (1) If a notice
9 of federal lien, a refiling of a notice of federal lien, or
10 a notice of revocation of any certificate described in
11 subsection (2) is presented to the filing officer and:

(a) he is the secretary of state, he shall cause the
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

17 (b) he is any other officer described in 71-3-204, he 18 shall endorse thereon his identification and the date and time of receipt and forthwith file it alphabetically or 19 enter it in an alphabetical index showing the name and 20 address of the person named in the notice, the date and time 21 of receipt, the title and address of the official or entity 22 certifying the lien, and the total amount appearing on the 23 24 notice of lien.

25 (2) If a certificate of release, nonattachment,

1 discharge, or subordination of any lien is presented to the 2 secretary of state for filing, he shall:

3 (a) cause a certificate of release or nonattachment to 4 be marked, held, and indexed as if the certificate were a termination statement within the meaning of the Uniform 5 6 Commercial Code, except that the notice of lien to which the 7 certificate relates shall not be removed from the files: and (b) cause a certificate of discharge or subordination 8 9 to be held, marked, and indexed as if the certificate were a release of collateral within the meaning of the Uniform 10 11 Commercial Code.

(3) If a refiled notice of federal lien referred to in 12 13 subsection (1) or any of the certificates or notices 14 referred to in subsection (2) is presented for filing with any other filing officer specified in 71-3-204, he shall 15 permanently attach the refiled notice or the certificate to 16 the original notice of lien and shall enter the refiled 17 notice or the certificate, with the date of filing, in any 18 alphabetical lien index on the line where the original 19 notice of lien is entered. 20

(4) Upon request of any person, the filing officer
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file, on the date and hour stated therein, any notice of
lien or certificate or notice affecting the lien, filed on
or after July 1, 1967, naming a particular person, and if a

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1	notice or certificate is on file, giving the date and hour
2	of filing of each notice or certificate.
3	(5)The-fee-for-a-certificate-is-\$2Upon-request;-the
4	filing-officer-shall-furnish-a-copy-of-any-notice-of-federal
5	lien-or-notice-or-certificate-affecting-a-federal-lien-for-a
6	fee-of-91-per-page."
7	Section 4. Section 71-3-206, MCA, is amended to read:
8	"71-3-206. Fees. (1) The fee for filing and indexing
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10	tax lien ist must be established and deposited in accordance
11	with the provisions of 30-9-403(12).
12	{a}for-a-lien-on-real-estate7-\$27
13	<pre>(b)for-a-lien-ontangibleandintangiblepersonal</pre>
14	property7-927
15	<pre>(c)foracertificate-of-discharge-or-subordination;</pre>
16	9±7
17	<pre>fd)for-all-other-noticesy-including-a-certificateof</pre>
18	release-or-nonattachment ₇ -\$2-
19	(2) The officer shall bill the district directors of
20	internal revenue or other appropriate federal officials on
21	a monthly basis for fees for documents filed by them."
22	NEW-SECTIONSection-8RepeaterSections-35-1-1202
23	and-35-1-12037-MCA7-are-repealed.

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-End-

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