

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, 1987	INTRODUCED AND REFERRED TO COMMITTEE ON 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.

1 House BILL NO. 232
 2 INTRODUCED BY Fred Hawk
 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; 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; AND
 10 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:
 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

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 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
 20 in accordance with the provisions of this part and
 21 commensurate with costs:

- 22 (a) fees for filing documents and issuing
- 23 certificates; and
- 24 (b) miscellaneous charges.
- 25 (2) The secretary of state shall maintain records



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

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)(b)~~ miscellaneous charges;

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
25 sufficient to support the fees established under this

1 section part.

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
6 certificates."

7 Section 6. 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:

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
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
5 termination statement within the meaning of the Uniform
6 Commercial Code, except that the notice of lien to which the
7 certificate relates shall not be removed from the files; and

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

12 (3) If a refiled notice of federal lien referred to in
13 subsection (1) or any of the certificates or notices
14 referred to in subsection (2) is presented for filing with
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
19 alphabetical lien index on the line where the original
20 notice of lien is entered.

21 (4) Upon request of any person, the filing officer
22 shall issue his certificate showing whether there is on
23 file, on the date and hour stated therein, any notice of
24 lien or certificate or notice affecting the lien, filed on
25 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 \$2.--Upon 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 \$1 per page."~~

7 Section 7. 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 ~~{a)--for a lien on real estate, \$2;~~

13 ~~{b)--for a lien on tangible and intangible personal~~
14 ~~property, \$2;~~

15 ~~{c)--for a certificate of discharge or subordination,~~
16 ~~\$1;~~

17 ~~{d)--for all other notices, including a certificate of~~
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 NEW SECTION. Section 8. Repealer. Sections 35-1-1202
23 and 35-1-1203, MCA, are repealed.

-End-

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 Corporation Bureau from general fund to state special revenue fund.

	<u>FY88</u>	<u>FY89</u>
General Fund	(\$284,700)	(\$377,300)
Special Revenue Fund	284,700	377,300
2. Increase filing fees paid by IRS for federal tax liens.	2,175	2,900
3. Increase filing fees for corporate reviver.	500	500

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

None anticipated.

David L. Hunter DATE 1/27/87
 DAVID L. HUNTER, BUDGET DIRECTOR
 Office of Budget and Program Planning

Fred Thomas DATE 1-28-87
 FRED THOMAS, PRIMARY SPONSOR

Fiscal Note for HB232, as introduced.

HB 232

APPROVED BY COMM. ON
BUSINESS & INDUSTRY

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; ~~AND~~
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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

1 he shall receive a filing and recording fee of ~~95~~ \$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 ~~95~~ \$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 ~~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~~
20 ~~in accordance with the provisions of this part and~~
21 ~~commensurate with costs:~~

- 22 ~~(a) fees for filing documents and issuing~~
23 ~~certificates; and~~
- 24 ~~(b) miscellaneous charges;~~
- 25 ~~(2) The secretary of state shall maintain records~~



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
11 state 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 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 {1}(a) fees for filing documents and issuing
4 certificates;

5 {2}(b) miscellaneous charges;

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
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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
25 sufficient to support the fees established under this

1 ~~section part-~~

2 ~~(3) The secretary of state shall deposit in the state~~
 3 ~~treasury all fees and miscellaneous charges he collects~~
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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 refile 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:

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
 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:

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 4 be marked, held, and indexed as if the certificate were a
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 6 Commercial Code, except that the notice of lien to which the
 7 certificate relates shall not be removed from the files; and

8 (b) cause a certificate of discharge or subordination
 9 to be held, marked, and indexed as if the certificate were a
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 13 subsection (1) or any of the certificates or notices
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 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
 19 alphabetical lien index on the line where the original
 20 notice of lien is entered.

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

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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
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11 with the provisions of 30-9-403(12).

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14 ~~property, \$2;~~

15 ~~(c)--for a certificate of discharge or subordination,~~
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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 SECTION:--Section 8.--Repealer.--Sections 35-1-1202~~
23 ~~and 35-1-1203, MCA, are repealed.~~

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21 ~~commensurate with costs:~~

22 ~~(a) fees for filing documents and issuing~~
23 ~~certificates; and~~

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1 sufficient to support the fees and miscellaneous charges
2 established under this section:

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4 treasury all fees and miscellaneous charges he collects
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8 Section 3, Section 30-13-320, MCA, is amended to read:

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10 collect fees commensurate with costs. The secretary of
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19 fees and miscellaneous charges he collects under this part,
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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 ~~(1)(a) fees for filing documents and issuing
4 certificates;~~

5 ~~(2)(b) miscellaneous charges;~~

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.

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11 treasury all fees and miscellaneous charges he collects
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13 of state to pay the expenses of filing documents and issuing
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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
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1 section part:

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 24 lien or certificate or notice affecting the lien, filed on
 25 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 \$2. Upon 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 \$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 ~~{a}--for a lien on real estate, \$2;~~

13 ~~{b}--for a lien on tangible and intangible personal~~
14 ~~property, \$2;~~

15 ~~{c}--for a certificate of discharge or subordination,~~
16 ~~\$1;~~

17 ~~{d}--for all other notices, including a certificate of~~
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 ~~NEW SECTION--Section 8, Repealer--Sections 35-1-1202~~
23 ~~and 35-1-1203, MCA, are repealed.~~

-End-

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,--AND
 10 ~~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:
 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

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 ~~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~~
 20 ~~in accordance with the provisions of this part--and~~
 21 ~~commensurate with costs:~~
 22 ~~(a)--fees--for--filing--documents--and--issuing~~
 23 ~~certificates; and~~
 24 ~~(b)--miscellaneous charges;~~
 25 ~~(2)--The secretary of state shall maintain records~~



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
 11 state 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 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 ~~(1)(a) fees for filing documents and issuing
 4 certificates;~~

5 ~~(2)(b) miscellaneous charges;~~

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
 25 sufficient to support the fees established under this~~

1 ~~section part-~~

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~~
 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:

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
 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
 5 termination statement within the meaning of the Uniform
 6 Commercial Code, except that the notice of lien to which the
 7 certificate relates shall not be removed from the files; and

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

12 (3) If a refiled notice of federal lien referred to in
 13 subsection (1) or any of the certificates or notices
 14 referred to in subsection (2) is presented for filing with
 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
 19 alphabetical lien index on the line where the original
 20 notice of lien is entered.

21 (4) Upon request of any person, the filing officer
 22 shall issue his certificate showing whether there is on
 23 file, on the date and hour stated therein, any notice of
 24 lien or certificate or notice affecting the lien, filed on
 25 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 \$2. Upon request, the~~
4 ~~filing officer shall furnish a copy of any notice of federal~~
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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 SECTION, Section 8, Repealer, Sections 35-1-1202~~
23 ~~and 35-1-1203, MCA, are repealed.~~

-End-