

HOUSE BILL NO. 91
INTRODUCED BY ROTH

IN THE HOUSE

JANUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT.
	FIRST READING.
JANUARY 13, 1989	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
JANUARY 14, 1989	POSTED ON CONSENT CALENDAR.
JANUARY 14, 1989	ENGROSSING REPORT.
JANUARY 18, 1989	OBJECTION FILED, PLACED ON SECOND READING 1/18/89
JANUARY 18, 1989	SECOND READING, DO PASS AS AMENDED.
JANUARY 19, 1989	ENGROSSING REPORT.
JANUARY 20, 1989	THIRD READING, PASSED. AYES, 72; NOES, 24.
	TRANSMITTED TO SENATE.

IN THE SENATE

JANUARY 21, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
FEBRUARY 2, 1989	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
FEBRUARY 8, 1989	SECOND READING, CONCURRED IN AS AMENDED.
FEBRUARY 10, 1989	ON MOTION, BILL TAKEN FROM ENGROSSING AND PLACED ON SECOND READING.

FEBRUARY 11, 1989

SECOND READING, CONCURRED IN AS
AMENDED.

FEBRUARY 14, 1989

THIRD READING, CONCURRED IN.
AYES, 44; NOES, 3.

RETURNED TO HOUSE.

IN THE HOUSE

FEBRUARY 15, 1989

RECEIVED FROM SENATE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 91
2 INTRODUCED BY RAH
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES
5 CHARGED BY A COUNTY CLERK FOR A CERTIFIED COPY OF A BIRTH OR
6 DEATH CERTIFICATE AND FOR A COPY OF A RECORD OR PAPER;
7 AMENDING SECTION 7-4-2631, MCA; AND PROVIDING AN EFFECTIVE
8 DATE."
9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
11 **Section 1.** Section 7-4-2631, MCA, is amended to read:
12 "7-4-2631. Fees of county clerk. (1) Except as
13 provided in 7-4-2632, the county clerks must charge, for the
14 use of their respective counties:
15 (a) for recording and indexing each certificate of
16 location of a quartz or placer mining claim or millsite
17 claim, including a certificate that the instrument has been
18 recorded with seal affixed, \$6;
19 (b) for recording and indexing each affidavit of
20 annual labor on a mining claim, including certificate that
21 the instrument has been recorded with seal affixed:
22 (i) for the first mining claim in the affidavit, \$3;
23 and
24 (ii) for each additional mining claim included in it,
25 50 cents;

1 (c) for filing and indexing each writ of attachment,
2 execution, certificate of sale, lien, or other instrument
3 required by law to be filed and indexed, \$2;
4 (d) for filing of subdivision and townsite plats, \$5
5 plus:
6 (i) for each lot up to and including 100, 50 cents;
7 (ii) for each additional lot in excess of 100, 25
8 cents;
9 (e) for filing certificates of surveys and amendments
10 thereto, \$5 plus 50 cents per tract or lot;
11 (f) for a copy of a record or paper:
12 (i) ~~for the first page of any document,~~ 50 cents, and
13 25 cents for each subsequent page; and
14 (ii) for each certification with seal affixed, \$2;
15 (g) for searching an index record of files of the
16 office for each year when required in abstracting or
17 otherwise, 50 cents;
18 (h) for administering an oath with certificate and
19 seal, no charge;
20 (i) for taking and certifying an acknowledgment, with
21 seal affixed, for signature to it, no charge;
22 (j) for filing, indexing, or other services provided
23 for by 30-9-401 through 30-9-407, the fees prescribed under
24 those sections;
25 (k) for recording each stock subscription and

1 contract, stock certificate, and articles of incorporation
2 for water users' associations, \$3;

3 (l) for filing a copy of notarial commission and
4 issuing a certificate of official character of such notary
5 public, \$2;

6 (m) for each certified copy of a birth certificate or
7 a death certificate, \$2 \$5;

8 (n) 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 2.** Effective date. [This act] is
17 effective July 1, 1989.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB091, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

HB091 increases the fees charged by county clerks and recorders for copying multi-page documents and for certified copies of birth and death certificates.


ASSUMPTIONS:

1. Increased revenue from raising "subsequent page" copy fees from \$.25 to \$.50 will be minimal, since most copy requests are single-page documents.
2. Current clerk and recorder fee revenue from making copies of birth and death certificates average approximately 8% of total clerk and recorder fees.
3. No statewide information on total fees collected for copying birth and death certificates is available. Therefore, eleven counties were surveyed by telephone to determine fiscal impact.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Given the above assumptions, HB91 would have the following revenue effects on the fees charged by clerks and recorders in the counties sampled:

County	Total Clerk & Recorder Fee Revenue - FY 1988	Estimated Fees From Birth/Death Certificates	Total Fees Per HB091	HB091 Increase
Cascade	\$ 216,000	\$17,280	\$43,200	\$25,920
Daniels	13,000	1,040	2,704	1,664
Fergus	48,000	3,840	9,600	5,760
Granite	24,600	1,968	5,116	3,148
Lewis & Clark	126,500	10,120	25,300	15,180
Liberty	16,000	1,280	3,200	1,920
Mineral	14,000	1,120	2,800	1,680
Park	60,000	4,800	12,000	7,200
Petroleum	6,000	480	1,200	720
Powder River	16,000	1,280	3,200	1,920
Yellowstone	340,000	27,200	68,000	40,800


 RAY SHACKLEFORD, BUDGET DIRECTOR
 OFFICE OF BUDGET AND PROGRAM PLANNING
 DATE 11/3/89


 RANDE K. ROTH, PRIMARY SPONSOR
 DATE 1-16-89

Fiscal Note for HB091, as introduced

HB 91

APPROVED BY COMM.
ON LOCAL GOVERNMENT

OBJECTION TO CONSENT CALENDAR
SENT TO SECOND READING

House BILL NO. 91

INTRODUCED BY *ASH*

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES CHARGED BY A COUNTY CLERK FOR A CERTIFIED COPY OF A BIRTH OR DEATH CERTIFICATE AND FOR A COPY OF A RECORD OR PAPER; AMENDING SECTION 7-4-2631, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 7-4-2631, MCA, is amended to read:

"7-4-2631. Fees of county clerk. (1) Except as provided in 7-4-2632, 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 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;

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

(f) 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

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

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

(h) for administering an oath with certificate and seal, no charge;

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

(j) for filing, indexing, or other services provided for by 30-9-401 through 30-9-407, the fees prescribed under those sections;

(k) for recording each stock subscription and

1 contract, stock certificate, and articles of incorporation
2 for water users' associations, \$3;

3 (l) for filing a copy of notarial commission and
4 issuing a certificate of official character of such notary
5 public, \$2;

6 (m) for each certified copy of a birth certificate or
7 a death certificate, \$2 \$5;

8 (n) 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 2.** Effective date. [This act] is
17 effective July 1, 1989.

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24 those sections;

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1 contract, stock certificate, and articles of incorporation
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3 (l) for filing a copy of notarial commission and
4 issuing a certificate of official character of such notary
5 public, \$2;

6 (m) for each certified copy of a birth certificate or
7 a death certificate, ~~\$2~~ \$5;

8 (n) 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
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SENATE STANDING COMMITTEE REPORT

February 1, 1989

MR. PRESIDENT:

We, your committee on Judiciary, having had under consideration HB 91 (third reading copy -- blue), respectfully report that HB 91 be amended and as so amended be concurred in:

Sponsor: Roth (Jenkins)

1. Page 3, line 7.
Following: "for"
Strike: "each"
Insert: "the first"

2. Page 3, line 8.
Following: "~~\$5~~"
Insert: "\$5, and"
Following: "\$3"
Insert: "for each subsequent certified copy"

AND AS AMENDED BE CONCURRED IN

Signed:



Bruce D. Crippen, Chairman

SENATE

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