

SENATE BILL NO. 78

INTRODUCED BY REGAN, HIMSL, BARDANOUVE
BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

IN THE SENATE

JANUARY 6, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
FEBRUARY 6, 1989	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 7, 1989	PRINTING REPORT.
FEBRUARY 8, 1989	SECOND READING, DO PASS.
FEBRUARY 9, 1989	ENGROSSING REPORT.
FEBRUARY 10, 1989	THIRD READING, FAILED. AYES, 24; NOES, 25.
FEBRUARY 11, 1989	ON MOTION, PREVIOUS ACTION RECONSIDERED AND BILL PLACED ON SECOND READING THE 27TH LEGISLATIVE DAY.
FEBRUARY 13, 1989	SECOND READING, MOTION BILL DO PASS. MOTION FAILED. AYES, 25; NOES, 25.
FEBRUARY 14, 1989	SECOND READING, DO PASS.
FEBRUARY 15, 1989	ENGROSSING REPORT.
FEBRUARY 16, 1989	THIRD READING, PASSED. AYES, 30; NOES, 20.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 16, 1989	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
FEBRUARY 20, 1989	FIRST READING.

MARCH 14, 1989

COMMITTEE RECOMMEND BILL BE
CONCURRED IN. REPORT ADOPTED.

MARCH 15, 1989

SECOND READING, CONCURRED IN.

MARCH 16, 1989

THIRD READING, CONCURRED IN.
AYES, 71; NOES, 25.

RETURNED TO SENATE.

IN THE SENATE

MARCH 17, 1989

RECEIVED FROM HOUSE.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 *House* BILL NO. *78*
 2 INTRODUCED BY *Ryan Hunt*
 3 BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING STATE
 6 SPECIAL REVENUE FUND ACCOUNTS THAT PERIODICALLY TRANSFER
 7 THEIR UNOBLIGATED BALANCES TO THE GENERAL FUND; REQUIRING
 8 MONEY IN THOSE ACCOUNTS TO BE DEPOSITED IN THE GENERAL FUND;
 9 AMENDING SECTIONS 16-11-124, 17-2-121, 19-11-513, 19-11-514,
 10 30-9-403, 30-10-115, 30-10-209, 33-2-708, 33-30-204, AND
 11 33-31-212, MCA; REPEALING SECTIONS 17-2-122, 17-2-123,
 12 19-12-302, AND 30-10-116 THROUGH 30-10-118, MCA; AND
 13 PROVIDING AN EFFECTIVE DATE."

14
 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 16-11-124, MCA, is amended to read:

17 "16-11-124. Disposition of license fees. (1) All
 18 license fees collected under the provisions of this part
 19 shall be deposited with the state treasurer in the
 20 department's--cigarette--enforcement--account--in--the--state
 21 special-revenue general fund.

22 (2) For-the-biennium-beginning-July-17-19717-and--each
 23 Each biennium thereafter, there shall be appropriated to the
 24 department a--sum-deemed an amount justified and reasonable
 25 to operate the department's cigarette enforcement division,

1 providing--that--after--payment--of--all--pending--and-known
 2 expenses, all sums so appropriated in excess of--\$7,500--not
 3 needed---for--the--administration--of--this--part--shall--be
 4 transferred-to-the-state-general-fund-to--be--available--for
 5 general-fund-purposes. Such transfer shall be made within 15
 6 days of the last day of the biennium.

7 (3) All expenses charged against said--cigarette
 8 enforcement-account the appropriation shall be justified by
 9 itemized claims coupled with standard accounting reports."

10 **Section 2.** Section 17-2-121, MCA, is amended to read:

11 "17-2-121. Insurance-regulatory-trust-account Deposits
 12 by insurance commissioner. ~~{1}~~--There-is-created-in-the-state
 13 treasury--an--account--within-the-state-special-revenue-fund
 14 designated--"insurance-regulatory--trust--account"--to--which
 15 must--be--credited--all All fees, and miscellaneous and
 16 examination charges, but-not fines, or penalties, or and
 17 those amounts received pursuant to 33-2-311, 33-2-705, or
 18 33-2-706, collected by the insurance commissioner pursuant
 19 to Title 33 and the rules adopted thereunder must be
 20 deposited in the general fund.

21 ~~{2}~~--The--money--so--received--and--deposited--in--the
 22 insurance--regulatory--trust--account--may--be--paid--out--of--the
 23 treasury--only--on--appropriation--made--by--the--legislature--as
 24 provided--in--17-8-101--and--must--be--used--only--to--defray--the
 25 expenses-of-the-insurance-commissioner-and-his-staff-in--the

1 discharge--of--their--administrative--and--regulatory--powers--and
 2 duties--as--prescribed--by--law--subject--to--the--applicable--laws
 3 relating--to--the--appropriations--of--state--funds--and--to--the
 4 deposit--and--expenditure--of--state--money--The--commissioner--is
 5 responsible--for--the--proper--expenditure--of--this--money--as
 6 provided--by--law.

7 {3}--Any--cash--balance--remaining--in--the--insurance
 8 regulatory--trust--account--after--all--current--fiscal--year
 9 expenditures--are--met--must--be--transferred--to--the--general
 10 fund."

11 **Section 3.** Section 19-11-513, MCA, is amended to read:

12 "19-11-513. Transfer of premium taxes to state
 13 treasury. The state auditor shall estimate the portion of
 14 premium taxes needed to make the payments required by this
 15 chapter and shall pay an amount equal to the estimate into
 16 the state treasury, to the credit of the state special
 17 revenue fund. The payment is payments are statutorily
 18 appropriated as provided in 17-7-502. Any balances
 19 remaining after such payments have been ordered shall be
 20 transferred to the general fund."

21 **Section 4.** Section 19-11-514, MCA, is amended to read:

22 "19-11-514. State treasurer to pay warrants. The state
 23 treasurer is hereby authorized and directed, upon the
 24 presentation to him of a warrant drawn pursuant to this
 25 chapter, to pay to the treasurer of the city or town, out of

1 moneys money in the state--special--revenue general fund
 2 dedicated for such purpose, the amount of such the warrant,
 3 specified, which The amount shall be paid by said the city
 4 treasurer to said the fire department relief association."

5 **Section 5.** Section 30-9-403, MCA, is amended to read:

6 "30-9-403. What constitutes filing -- duration of
 7 filing -- fees -- effect of lapsed filing -- duties of
 8 filing officer -- computerized farm statement system. (1)
 9 Presentation for filing of a financing statement and tender
 10 of the filing fee or acceptance of the statement by the
 11 filing officer constitutes filing under this chapter.

12 (2) Except as provided in subsections (6) and (11), a
 13 filed financing statement is effective for a period of 5
 14 years from the date of filing. The effectiveness of a filed
 15 financing statement lapses on the expiration of the 5-year
 16 period unless a continuation statement is filed prior to the
 17 lapse. If a security interest perfected by filing exists at
 18 the time insolvency proceedings are commenced by or against
 19 the debtor, the security interest remains perfected until
 20 termination of the insolvency proceedings and thereafter for
 21 a period of 60 days or until expiration of the 5-year
 22 period, whichever occurs later. Upon lapse the security
 23 interest becomes unperfected, unless it is perfected without
 24 filing. If the security interest becomes unperfected upon
 25 lapse, it is considered to have been unperfected as against

1 a person who became a purchaser or lien creditor before
2 lapse.

3 (3) A continuation statement may be filed by the
4 secured party within 6 months prior to the expiration of the
5 5-year period specified in subsection (2). Any such
6 continuation statement must be signed by the secured party,
7 identify the original statement by file number, and state
8 that the original statement is still effective. A
9 continuation statement signed by a person other than the
10 secured party of record must be accompanied by a separate
11 written statement of assignment signed by the secured party
12 of record and complying with 30-9-405(2), including payment
13 of the required fee. Upon timely filing of the continuation
14 statement, the effectiveness of the original statement is
15 continued for 5 years after the last date to which the
16 filing was effective, whereupon it lapses in the same manner
17 as provided in subsection (2) unless another continuation
18 statement is filed prior to such lapse. Succeeding
19 continuation statements may be filed in the same manner to
20 continue the effectiveness of the original statement. Unless
21 a statute on disposition of public records provides
22 otherwise, the filing officer may remove a lapsed statement
23 from the files and destroy it immediately if he has retained
24 a microfilm or other photographic record, or in other cases
25 after 1 year after the lapse. The filing officer shall so

1 arrange matters by physical annexation of financing
2 statements to continuation statements or other related
3 filings, or by other means, that if he physically destroys
4 the financing statements of a period more than 5 years past,
5 those which have been continued by a continuation statement
6 or which are still effective under subsection (6) shall be
7 retained.

8 (4) Except as provided in subsection (7), a filing
9 officer shall mark each statement with a file number and
10 with the date and hour of filing and shall hold the
11 statement or a microfilm or other photographic copy thereof
12 for public inspection. In addition, the filing officer shall
13 index the statements according to the name of the debtor and
14 shall note in the index the file number and the address of
15 the debtor given in the statement.

16 (5) The uniform fees for filing, indexing, and
17 stamping a copy furnished by the filing party to show the
18 date and place of filing shall be set pursuant to subsection
19 (13).

20 (6) If the debtor is a transmitting utility and a
21 filed financing statement so states, it is effective until a
22 termination statement is filed. A real estate mortgage that
23 is effective as a fixture filing under 30-9-402(6) remains
24 effective as a fixture filing until the mortgage is released
25 or satisfied of record or its effectiveness otherwise

1 terminates as to the real estate.

2 (7) When a financing statement covers timber to be cut
3 or covers minerals or the like (including oil and gas) or
4 accounts subject to 30-9-103(5) or is filed as a fixture
5 filing, the filing officer shall index it under the names of
6 the debtor and any owner of record shown on the financing
7 statement in the same fashion as if they were the mortgagors
8 in a mortgage of the real estate described and, to the
9 extent that the law of this state provides for indexing of
10 mortgages under the name of the mortgagee, under the name of
11 the secured party as if he were the mortgagee thereunder, or
12 if indexing is by description, in the same fashion as if the
13 financing statement were a mortgage of the real estate
14 described.

15 (8) When a financing or continuation statement filed
16 by a financial institution covers farm products or accounts,
17 livestock, general intangibles arising from or relating to
18 the sale of farm products by a farmer, crops growing or to
19 be grown, or equipment used in farming operations, the fee
20 for filing must be established by the secretary of state in
21 an amount commensurate with the costs of establishing and
22 operating the computerized access system described in
23 subsection (9).

24 (9) Within one 1 working day of receipt of a financing
25 or continuation statement, the secretary of state shall

1 record the information contained in the statement on a
2 centralized computer system that he shall establish. The
3 computer system must allow access to financing statement
4 information by any type of communications which conform to
5 standards used by the state central computer. The system
6 must have safeguards to allow only access to UCC data and to
7 prevent alteration, addition, or deletion of the UCC data.
8 The computer must be accessible whenever the state computer
9 system is available. A perfected security interest is not
10 created until the financing statement information is
11 recorded on the system. A printout of information from the
12 system is prima facie evidence of the existence or
13 nonexistence of the filing of a financing statement. The
14 secretary of state shall maintain adequate errors and
15 omissions liability coverage to protect against input errors
16 causing loss to a secured party.

17 (10) The secretary of state shall, upon request of a
18 clerk and recorder, mail a certified copy of a financing
19 statement, continuation statement, assignment, amendment, or
20 termination covering collateral described in subsection (8)
21 to the clerk and recorder in the county of the principal
22 debtor's residence. The secretary of state shall mail the
23 requested copies at least once each week. This subsection
24 does not require the secretary of state to mail a copy of
25 any document which does not specifically indicate the county

of the principal debtor's residence on its face.

(11) When a financing or continuation statement covers property described in subsection (8), its effectiveness lapses on July 1, 1986, unless prior to that date there is filed in the office of the secretary of state a certified copy of the statement on file with the county clerk and all related documents.

(12) Financing statement information in the computer system constitutes public writings within the meaning of 2-6-101, but the information may not be used to compile mailing lists.

(13) The secretary of state, with advice from the county clerk and recorders, shall by administrative rule establish fees as required by this part. The fees must be commensurate with the costs of processing the documents. The secretary of state shall maintain records sufficient to support the amounts of the fees established under this subsection. The secretary of state shall deposit in a state special-revenue fund the general fund in the state treasury all fees he collects, ~~and the fee money may be paid out of the treasury only on appropriation made by the legislature as provided in 17-8-101.~~ Any fee money collected under this part and remaining in the state treasury after all current fiscal-year expenditures are met must be transferred to the general fund. The secretary of state shall disseminate the

uniform fee schedule to the county clerk and recorders for their use."

Section 6. Section 30-10-115, MCA, is amended to read:

"30-10-115. Securities---regulatory---trust---account Deposits to the general fund. ~~(1) There is created in the state special-revenue fund an account designated as the "securities-regulatory-trust-account" into which all All~~ fees, examination charges, and miscellaneous charges received by the commissioner pursuant to parts 1 through 3 of this chapter must be deposited in the general fund.

~~(2) The money received and deposited in the securities regulatory-trust account may be paid out of the treasury only on appropriation made by the legislature, as provided in 17-8-101, and may be used only to defray the expenses of the commissioner and his staff in the discharge of their administrative and regulatory powers and duties as prescribed by law, subject to the applicable laws relating to the appropriation of state funds and to the deposit and expenditure of state money. The commissioner is responsible for the proper expenditure of this money as provided by law.~~

~~(3) Any cash balance remaining in the securities regulatory-trust account after all current fiscal-year expenditures are met must be transferred to the general fund."~~

Section 7. Section 30-10-209, MCA, is amended to read:

1 **"30-10-209. Fees.** The following fees shall be paid in
2 advance under the provisions of parts 1 through 3 of this
3 chapter:

4 (1) (a) For the registration of securities by
5 notification, coordination, or qualification, there shall be
6 paid to the commissioner for the first year of registration
7 a registration fee of \$200 for the first \$100,000 of initial
8 issue or portion thereof in this state, based on offering
9 price, plus 1/10 of 1% for any excess over \$100,000, with a
10 maximum of \$1,000.

11 (b) Each year thereafter, a registration of securities
12 may be renewed, prior to its termination date, for an
13 additional year upon consent of the commissioner and payment
14 of an additional registration fee to be computed at 1/10 of
15 1% of the aggregate offering price of such securities which
16 are to be offered in this state during that year, even
17 though the maximum fee was paid the preceding year. In no
18 event shall the additional registration fee be less than
19 \$200 or more than \$1,000. The registration statement for
20 such securities may be amended to increase the amount of
21 securities to be offered.

22 (c) If a registrant sells securities in excess of the
23 aggregate amount registered for sale in this state, the
24 registrant may file an amendment to the registration
25 statement to include the excess sales. If the registrant

1 fails to file an amendment before the expiration date of the
2 registration order, he shall pay a filing fee for the excess
3 sales of three times the amount calculated in the manner
4 specified in subsection (1)(b). Registration of the excess
5 securities is effective retroactively to the date of the
6 existing registration.

7 (2) (a) For registration of a broker-dealer or
8 investment adviser, the fee shall be \$200 for original
9 registration and \$200 for each annual renewal.

10 (b) For registration of a salesman or investment
11 adviser representative, the fee shall be \$50 for original
12 registration with each employer, \$50 for each annual
13 renewal, and \$50 for each transfer.

14 (3) For certified copies of any documents filed with
15 the commissioner, the fee shall be the cost to the
16 department.

17 (4) For a request for an exemption under
18 30-10-105(15), the fee shall be established by the
19 commissioner by rule. For a request for any other exemption
20 or an exception to the provisions of parts 1 through 3 of
21 this chapter, the fee shall be \$50.

22 (5) All fees are considered fully earned when
23 received. In the event of overpayment, only those amounts in
24 excess of \$10 may be refunded.

25 (6) All fees, examination charges, and miscellaneous

charges, except fines, or and penalties, collected by the commissioner pursuant to parts 1 through 3 of this chapter and the rules adopted hereunder must be deposited into the securities-regulatory-trust-account, pursuant to 30-10-115 through 30-10-118:

~~{7}--All---fines---and---penalties---collected---by---the commissioner-pursuant-to-parts-1-through-3-of--this--chapter and--the--rules--adopted-hereunder-must-be-deposited-into in~~ the general fund."

Section 8. Section 33-2-708, MCA, is amended to read:

"33-2-708. Fees and licenses. (1) The commissioner shall collect in advance and the persons so served shall so pay to the commissioner the following fees and licenses:

(a) certificates of authority:

(i) for filing applications for original certificates of authority, articles of incorporation (except original articles of incorporation of domestic insurers as provided in subsection (b) below) and other charter documents, bylaws, financial statement, examination report, power of attorney to the commissioner, and all other documents and filings required in connection with such application and for issuance of an original certificate of authority, if issued:

(A) domestic insurers \$ 300.00

(B) foreign insurers 300.00

(ii) annual continuation of certificate of authority ..

..... 300.00

(iii) reinstatement of certificate of authority 25.00

(iv) amendment of certificate of authority 50.00

(b) articles of incorporation:

(i) filing original articles of incorporation of domestic insurer, exclusive of fees required to be paid by the corporation to the secretary of state 20.00

(ii) filing amendment of articles of incorporation, domestic and foreign insurers, exclusive of fees required to be paid to the secretary of state by a domestic corporation 25.00

(c) filing bylaws or amendment thereto where required 10.00

(d) filing annual statement of insurer, other than as part of application for original certificate of authority .. 25.00

(e) resident agent's license:

(i) application for original license, including issuance of license, if issued (life and/or disability) 15.00

(ii) application for original license, including issuance of license, if issued (other than life and/or disability) 15.00

(iii) appointment of agent, each insurer 10.00

1 (iv) annual renewal, each insurer 10.00
 2 (v) temporary license 10.00
 3 (vi) amendment of license (excluding additions thereto)
 4 or reissuance of master license 10.00
 5 (f) nonresident agent's license:
 6 (i) application for original license, including
 7 issuance of license, if issued (life and/or disability)
 8 100.00
 9 (ii) application for original license, including
 10 issuance of license, if issued (other than life and/or
 11 disability) 100.00
 12 (iii) appointment of agent, each insurer 10.00
 13 (iv) annual renewal, each insurer 10.00
 14 (v) amendment of license (excluding additions thereto)
 15 or reissuance of master license 10.00
 16 (g) solicitor's license:
 17 (i) application for original license, including
 18 issuance of license, if issued 15.00
 19 (ii) annual renewal of license 15.00
 20 (iii) appointment of solicitor 10.00
 21 (h) examination for license as agent or solicitor,
 22 each examination 15.00
 23 (i) surplus lines agent license:
 24 (i) application for original license and for issuance
 25 of license, if issued 50.00

1 (ii) annual renewal of license 50.00
 2 (j) adjuster's license:
 3 (i) application for original license and for issuance
 4 of license, if issued 15.00
 5 (ii) annual renewal of license 15.00
 6 (k) insurance vending machine license, each machine,
 7 each year 10.00
 8 (l) commissioner's certificate under seal (except when
 9 on certificates of authority or licenses) 10.00
 10 (m) copies of documents on file in the commissioner's
 11 office, per page50
 12 (n) policy forms:
 13 (i) filing each policy form 25.00
 14 (ii) filing each application, rider, endorsement,
 15 amendment, insert page, schedule of rates, and clarification
 16 of risks 10.00
 17 (iii) maximum charge if policy and all forms submitted
 18 at one time or resubmitted for approval within 180 days
 19 100.00
 20 (2) The commissioner shall promptly deposit with the
 21 state treasurer to the credit of the general fund of this
 22 state all fines and penalties, those amounts received
 23 pursuant to 33-2-311, 33-2-705, and 33-2-706, and any fees
 24 and examination and miscellaneous charges received pursuant
 25 to Title 33, chapter 17, part 1, that are collected by him

pursuant to Title 33 and the rules adopted thereunder.

(3) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded.

~~(4) All fees and examination and miscellaneous charges, except fines or penalties or those amounts received pursuant to 33-2-311, 33-2-705, or 33-2-706, collected by the commissioner pursuant to Title 33 and the rules adopted thereunder must be deposited in the insurance regulatory trust account pursuant to 17-2-121 through 17-2-123.~~

Section 9. Section 33-30-204, MCA, is amended to read:

"33-30-204. Fees. (1) Every health service corporation subject to the provisions of this chapter shall pay the following fees to the commissioner for enforcement of the provisions of this chapter:

(a) enrollment representative's license:

(i) application for original license and issuance of license \$15

(ii) annual renewal \$15

(iii) examination for license, for each examination ...
..... \$15

(b) filing any other statement or report \$1

(c) for a certified copy of any document or other paper filed in the office of the commissioner, per page
..... \$.50

(d) for the certificate and for affixing the seal thereto \$10

(e) filing of a membership contract \$25

(f) filing of a membership contract package \$100

(g) filing annual report, other than as part of application for original license \$25

(h) issuance of health service corporation license ...
..... \$300

(i) annual continuation of health service corporation license \$300

(2) The commissioner shall promptly deposit with the state treasurer, to the credit of the ~~insurance regulatory trust account provided for in 17-2-121~~ general fund, all fees and license fees received by him under this section."

Section 10. Section 33-31-212, MCA, is amended to read:

"33-31-212. Fees. (1) Each health maintenance organization shall pay to the commissioner the following fees:

(a) for filing an application for a certificate of authority or amendment thereto, \$300;

(b) for filing an amendment to the organization documents that requires approval, \$25;

(c) for filing each annual statement, \$25;

(d) for annual continuation of certificate of

1 authority, \$300.

2 (2) All fees, and miscellaneous charges, except fines,
3 or penalties, or and those amounts received pursuant to
4 33-31-211(3) and 33-31-405, collected by the commissioner
5 pursuant to this chapter and the rules adopted thereunder
6 must be deposited in the ~~insurance-regulatory-trust--account~~
7 ~~pursuant-to-17-2-121-through-17-2-123~~ general fund.

8 (3) The director may assess fees necessary and
9 adequate to cover the expenses of the director's functions
10 under this chapter. Such fees are statutorily appropriated
11 to the department of health as provided in 17-7-502."

12 NEW SECTION. **Section 11.** Repealer. Sections 17-2-122,
13 17-2-123, 19-12-302, and 30-10-116 through 30-10-118, MCA,
14 are repealed.

15 NEW SECTION. **Section 12.** Effective date. [This act]
16 is effective July 1, 1989.

-End-

APPROVED BY COMM. ON
FINANCE AND CLAIMS

SENATE BILL NO. 78

INTRODUCED BY REGAN, HIMSL, BARDANOUVE

BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN
STATE SPECIAL REVENUE FUND ACCOUNTS THAT PERIODICALLY
TRANSFER THEIR UNOBLIGATED BALANCES TO THE GENERAL FUND;
REQUIRING MONEY IN THOSE ACCOUNTS TO BE DEPOSITED IN THE
GENERAL FUND; AMENDING SECTIONS 16-11-124, 17-2-121,
~~19-11-513, 19-11-514,~~ 30-9-403, 30-10-115, 30-10-209,
33-2-708, 33-30-204, AND 33-31-212, MCA; REPEALING SECTIONS
17-2-122, 17-2-123, ~~19-12-382,~~ AND 30-10-116 THROUGH
30-10-118, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 16-11-124, MCA, is amended to read:

"16-11-124. Disposition of license fees. (1) All
license fees collected under the provisions of this part
shall be deposited with the state treasurer in the
department's ~~cigarette-enforcement-account-in-the-state~~
special-revenue general fund.

(2) ~~For the biennium beginning July 1, 1971, and each~~
Each biennium thereafter, there shall be appropriated to the
department a sum deemed an amount justified and reasonable
to operate the department's cigarette enforcement division;

~~providing that after payment of all pending and known~~
~~expenses, all sums so appropriated in excess of \$7,500 not~~
~~needed for the administration of this part shall be~~
~~transferred to the state general fund to be available for~~
~~general fund purposes. Such transfer shall be made within 15~~
~~days of the last day of the biennium.~~

(3) All expenses charged against said ~~cigarette~~
~~enforcement account~~ the appropriation shall be justified by
itemized claims coupled with standard accounting reports."

Section 2. Section 17-2-121, MCA, is amended to read:

"17-2-121. Insurance-regulatory-trust-account Deposits
by insurance commissioner. ~~{1} There is created in the state~~
~~treasury an account within the state special-revenue fund~~
~~designated "insurance-regulatory-trust-account" to which~~
~~must be credited all~~ All fees, and miscellaneous and
examination charges, but not fines, or penalties, or and
those amounts received pursuant to 33-2-311, 33-2-705, or
33-2-706, collected by the insurance commissioner pursuant
to Title 33 and the rules adopted thereunder must be
deposited in the general fund.

~~{2} The money so received and deposited in the~~
~~insurance-regulatory-trust-account may be paid out of the~~
~~treasury only on appropriation made by the legislature as~~
~~provided in 17-8-101 and must be used only to defray the~~
~~expenses of the insurance commissioner and his staff in the~~

discharge--of--their--administrative--and--regulatory--powers--and
duties--as--prescribed--by--law--subject--to--the--applicable--laws
relating--to--the--appropriations--of--state--funds--and--to--the
deposit--and--expenditure--of--state--money--The--commissioner--is
responsible--for--the--proper--expenditure--of--this--money--as
provided--by--law.

{3}--Any--cash--balance--remaining--in--the--insurance
regulatory--trust--account--after--all--current--fiscal--year
expenditures--are--met--must--be--transferred--to--the--general
fund."

Section 3.--Section 19-11-513, MCA, is amended to read:

"19-11-513. Transfer--of--premium--taxes--to--state
treasury--The--state--auditor--shall--estimate--the--portion--of
premium--taxes--needed--to--make--the--payments--required--by--this
chapter--and--shall--pay--an--amount--equal--to--the--estimate--into
the--state--treasury--to--the--credit--of--the--state--special
revenue--fund--The--payment--is--payments--are--statutorily
appropriated--as--provided--in--17-7-502--Any--balances
remaining--after--such--payments--have--been--ordered--shall--be
transferred--to--the--general--fund."

Section 4.--Section 19-11-514, MCA, is amended to read:

"19-11-514. State--treasurer--to--pay--warrants--The
state--treasurer--is--hereby--authorized--and--directed--upon--the
presentation--to--him--of--a--warrant--drawn--pursuant--to--this
chapter--to--pay--to--the--treasurer--of--the--city--or--town--out--of

moneys--money--in--the--state--special--revenue--general--fund
dedicated--for--such--purpose--the--amount--of--such--the--warrant--
specified--which--The--amount--shall--be--paid--by--said--the--city
treasurer--to--said--the--fire--department--relief--association."

Section 3. Section 30-9-403, MCA, is amended to read:

"30-9-403. What constitutes filing -- duration of
filing -- fees -- effect of lapsed filing -- duties of
filing officer -- computerized farm statement system. (1)
Presentation for filing of a financing statement and tender
of the filing fee or acceptance of the statement by the
filing officer constitutes filing under this chapter.

(2) Except as provided in subsections (6) and (11), a
filed financing statement is effective for a period of 5
years from the date of filing. The effectiveness of a filed
financing statement lapses on the expiration of the 5-year
period unless a continuation statement is filed prior to the
lapse. If a security interest perfected by filing exists at
the time insolvency proceedings are commenced by or against
the debtor, the security interest remains perfected until
termination of the insolvency proceedings and thereafter for
a period of 60 days or until expiration of the 5-year
period, whichever occurs later. Upon lapse the security
interest becomes unperfected, unless it is perfected without
filing. If the security interest becomes unperfected upon
lapse, it is considered to have been unperfected as against

1 a person who became a purchaser or lien creditor before
2 lapse.

3 (3) A continuation statement may be filed by the
4 secured party within 6 months prior to the expiration of the
5 5-year period specified in subsection (2). Any such
6 continuation statement must be signed by the secured party,
7 identify the original statement by file number, and state
8 that the original statement is still effective. A
9 continuation statement signed by a person other than the
10 secured party of record must be accompanied by a separate
11 written statement of assignment signed by the secured party
12 of record and complying with 30-9-405(2), including payment
13 of the required fee. Upon timely filing of the continuation
14 statement, the effectiveness of the original statement is
15 continued for 5 years after the last date to which the
16 filing was effective, whereupon it lapses in the same manner
17 as provided in subsection (2) unless another continuation
18 statement is filed prior to such lapse. Succeeding
19 continuation statements may be filed in the same manner to
20 continue the effectiveness of the original statement. Unless
21 a statute on disposition of public records provides
22 otherwise, the filing officer may remove a lapsed statement
23 from the files and destroy it immediately if he has retained
24 a microfilm or other photographic record, or in other cases
25 after 1 year after the lapse. The filing officer shall so

1 arrange matters by physical annexation of financing
2 statements to continuation statements or other related
3 filings, or by other means, that if he physically destroys
4 the financing statements of a period more than 5 years past,
5 those which have been continued by a continuation statement
6 or which are still effective under subsection (6) shall be
7 retained.

8 (4) Except as provided in subsection (7), a filing
9 officer shall mark each statement with a file number and
10 with the date and hour of filing and shall hold the
11 statement or a microfilm or other photographic copy thereof
12 for public inspection. In addition, the filing officer shall
13 index the statements according to the name of the debtor and
14 shall note in the index the file number and the address of
15 the debtor given in the statement.

16 (5) The uniform fees for filing, indexing, and
17 stamping a copy furnished by the filing party to show the
18 date and place of filing shall be set pursuant to subsection
19 (13).

20 (6) If the debtor is a transmitting utility and a
21 filed financing statement so states, it is effective until a
22 termination statement is filed. A real estate mortgage that
23 is effective as a fixture filing under 30-9-402(6) remains
24 effective as a fixture filing until the mortgage is released
25 or satisfied of record or its effectiveness otherwise

1 terminates as to the real estate.

2 (7) When a financing statement covers timber to be cut
3 or covers minerals or the like (including oil and gas) or
4 accounts subject to 30-9-103(5) or is filed as a fixture
5 filing, the filing officer shall index it under the names of
6 the debtor and any owner of record shown on the financing
7 statement in the same fashion as if they were the mortgagors
8 in a mortgage of the real estate described and, to the
9 extent that the law of this state provides for indexing of
10 mortgages under the name of the mortgagee, under the name of
11 the secured party as if he were the mortgagee thereunder, or
12 if indexing is by description, in the same fashion as if the
13 financing statement were a mortgage of the real estate
14 described.

15 (8) When a financing or continuation statement filed
16 by a financial institution covers farm products or accounts,
17 livestock, general intangibles arising from or relating to
18 the sale of farm products by a farmer, crops growing or to
19 be grown, or equipment used in farming operations, the fee
20 for filing must be established by the secretary of state in
21 an amount commensurate with the costs of establishing and
22 operating the computerized access system described in
23 subsection (9).

24 (9) Within one 1 working day of receipt of a financing
25 or continuation statement, the secretary of state shall

1 record the information contained in the statement on a
2 centralized computer system that he shall establish. The
3 computer system must allow access to financing statement
4 information by any type of communications which conform to
5 standards used by the state central computer. The system
6 must have safeguards to allow only access to UCC data and to
7 prevent alteration, addition, or deletion of the UCC data.
8 The computer must be accessible whenever the state computer
9 system is available. A perfected security interest is not
10 created until the financing statement information is
11 recorded on the system. A printout of information from the
12 system is prima facie evidence of the existence or
13 nonexistence of the filing of a financing statement. The
14 secretary of state shall maintain adequate errors and
15 omissions liability coverage to protect against input errors
16 causing loss to a secured party.

17 (10) The secretary of state shall, upon request of a
18 clerk and recorder, mail a certified copy of a financing
19 statement, continuation statement, assignment, amendment, or
20 termination covering collateral described in subsection (8)
21 to the clerk and recorder in the county of the principal
22 debtor's residence. The secretary of state shall mail the
23 requested copies at least once each week. This subsection
24 does not require the secretary of state to mail a copy of
25 any document which does not specifically indicate the county

1 of the principal debtor's residence on its face.

2 (11) When a financing or continuation statement covers
3 property described in subsection (8), its effectiveness
4 lapses on July 1, 1986, unless prior to that date there is
5 filed in the office of the secretary of state a certified
6 copy of the statement on file with the county clerk and all
7 related documents.

8 (12) Financing statement information in the computer
9 system constitutes public writings within the meaning of
10 2-6-101, but the information may not be used to compile
11 mailing lists.

12 (13) The secretary of state, with advice from the
13 county clerk and recorders, shall by administrative rule
14 establish fees as required by this part. The fees must be
15 commensurate with the costs of processing the documents. The
16 secretary of state shall maintain records sufficient to
17 support the amounts of the fees established under this
18 subsection. The secretary of state shall deposit in a--state
19 special--revenue the general fund in the state treasury all
20 fees he collects,--and the fee money may be paid out--of--the
21 treasury--only--on--appropriation made by the legislature as
22 provided in 17-8-101. Any fee money collected under this
23 part--and--remaining in the state treasury after all current
24 fiscal year expenditures are met must be transferred to--the
25 general--fund. The secretary of state shall disseminate the

1 uniform fee schedule to the county clerk and recorders for
2 their use."

3 **Section 4.** Section 30-10-115, MCA, is amended to read:

4 "30-10-115. Securities----regulatory---trust---account
5 Deposits to the general fund. {1}--There is--created--in--the
6 state--special--revenue--fund--an--account--designated--as--the
7 "securities-regulatory-trust-account"--into--which--all All
8 fees, examination charges, and miscellaneous charges
9 received by the commissioner pursuant to parts 1 through 3
10 of this chapter must be deposited in the general fund.

11 {2}--The money received and deposited in the securities
12 regulatory--trust--account--may--be paid out of the treasury
13 only on appropriation made by the legislature,--as--provided
14 in--17-8-101,--and may be used only to defray the expenses of
15 the commissioner and his staff in the discharge of their
16 administrative---and---regulatory---powers---and---duties---as
17 prescribed by law, subject to the applicable laws relating
18 to--the--appropriation of state funds and to the deposit and
19 expenditure of state money. The commissioner is responsible
20 for the proper expenditure of this money as provided by law.

21 {3}--Any cash balance remaining in the securities
22 regulatory-trust-account after all current fiscal year
23 expenditures--are--met--must--be--transferred to the general
24 fund."

25 **Section 5.** Section 30-10-209, MCA, is amended to read:

1 "30-10-209. Fees. The following fees shall be paid in
2 advance under the provisions of parts 1 through 3 of this
3 chapter:

4 (1) (a) For the registration of securities by
5 notification, coordination, or qualification, there shall be
6 paid to the commissioner for the first year of registration
7 a registration fee of \$200 for the first \$100,000 of initial
8 issue or portion thereof in this state, based on offering
9 price, plus 1/10 of 1% for any excess over \$100,000, with a
10 maximum of \$1,000.

11 (b) Each year thereafter, a registration of securities
12 may be renewed, prior to its termination date, for an
13 additional year upon consent of the commissioner and payment
14 of an additional registration fee to be computed at 1/10 of
15 1% of the aggregate offering price of such securities which
16 are to be offered in this state during that year, even
17 though the maximum fee was paid the preceding year. In no
18 event shall the additional registration fee be less than
19 \$200 or more than \$1,000. The registration statement for
20 such securities may be amended to increase the amount of
21 securities to be offered.

22 (c) If a registrant sells securities in excess of the
23 aggregate amount registered for sale in this state, the
24 registrant may file an amendment to the registration
25 statement to include the excess sales. If the registrant

1 fails to file an amendment before the expiration date of the
2 registration order, he shall pay a filing fee for the excess
3 sales of three times the amount calculated in the manner
4 specified in subsection (1)(b). Registration of the excess
5 securities is effective retroactively to the date of the
6 existing registration.

7 (2) (a) For registration of a broker-dealer or
8 investment adviser, the fee shall be \$200 for original
9 registration and \$200 for each annual renewal.

10 (b) For registration of a salesman or investment
11 adviser representative, the fee shall be \$50 for original
12 registration with each employer, \$50 for each annual
13 renewal, and \$50 for each transfer.

14 (3) For certified copies of any documents filed with
15 the commissioner, the fee shall be the cost to the
16 department.

17 (4) For a request for an exemption under
18 30-10-105(15), the fee shall be established by the
19 commissioner by rule. For a request for any other exemption
20 or an exception to the provisions of parts 1 through 3 of
21 this chapter, the fee shall be \$50.

22 (5) All fees are considered fully earned when
23 received. In the event of overpayment, only those amounts in
24 excess of \$10 may be refunded.

25 (6) All fees, examination charges, and miscellaneous

1 charges, except fines, or and penalties, collected by the
 2 commissioner pursuant to parts 1 through 3 of this chapter
 3 and the rules adopted hereunder must be deposited into--the
 4 securities--regulatory--trust-account, pursuant to 30-10-115
 5 through 30-10-118.

6 ~~{7}--All--fines--and--penalties--collected--by--the~~
 7 ~~commissioner--pursuant--to--parts--1--through--3--of--this--chapter~~
 8 ~~and--the--rules--adopted--hereunder--must--be--deposited--into~~ in
 9 the general fund."

10 **Section 6.** Section 33-2-708, MCA, is amended to read:

11 "33-2-708. Fees and licenses. (1) The commissioner
 12 shall collect in advance and the persons so served shall so
 13 pay to the commissioner the following fees and licenses:

14 (a) certificates of authority:

15 (i) for filing applications for original certificates
 16 of authority, articles of incorporation (except original
 17 articles of incorporation of domestic insurers as provided
 18 in subsection (b) below) and other charter documents,
 19 bylaws, financial statement, examination report, power of
 20 attorney to the commissioner, and all other documents and
 21 filings required in connection with such application and for
 22 issuance of an original certificate of authority, if issued:

23 (A) domestic insurers \$ 300.00

24 (B) foreign insurers 300.00

25 (ii) annual continuation of certificate of authority ..

1 300.00

2 (iii) reinstatement of certificate of authority 25.00

3 25.00

4 (iv) amendment of certificate of authority 50.00

5 (b) articles of incorporation:

6 (i) filing original articles of incorporation of
 7 domestic insurer, exclusive of fees required to be paid by
 8 the corporation to the secretary of state 20.00

9 (ii) filing amendment of articles of incorporation,
 10 domestic and foreign insurers, exclusive of fees required to
 11 be paid to the secretary of state by a domestic corporation
 12 25.00

13 (c) filing bylaws or amendment thereto where required
 14 10.00

15 (d) filing annual statement of insurer, other than as
 16 part of application for original certificate of authority ..
 17 25.00

18 (e) resident agent's license:

19 (i) application for original license, including
 20 issuance of license, if issued (life and/or disability)
 21 15.00

22 (ii) application for original license, including
 23 issuance of license, if issued (other than life and/or
 24 disability) 15.00

25 (iii) appointment of agent, each insurer 10.00

1 (iv) annual renewal, each insurer 10.00
 2 (v) temporary license 10.00
 3 (vi) amendment of license (excluding additions thereto)
 4 or reissuance of master license 10.00
 5 (f) nonresident agent's license:
 6 (i) application for original license, including
 7 issuance of license, if issued (life and/or disability)
 8 100.00
 9 (ii) application for original license, including
 10 issuance of license, if issued (other than life and/or
 11 disability) 100.00
 12 (iii) appointment of agent, each insurer 10.00
 13 (iv) annual renewal, each insurer 10.00
 14 (v) amendment of license (excluding additions thereto)
 15 or reissuance of master license 10.00
 16 (g) solicitor's license:
 17 (i) application for original license, including
 18 issuance of license, if issued 15.00
 19 (ii) annual renewal of license 15.00
 20 (iii) appointment of solicitor 10.00
 21 (h) examination for license as agent or solicitor,
 22 each examination 15.00
 23 (i) surplus lines agent license:
 24 (i) application for original license and for issuance
 25 of license, if issued 50.00

1 (ii) annual renewal of license 50.00
 2 (j) adjuster's license:
 3 (i) application for original license and for issuance
 4 of license, if issued 15.00
 5 (ii) annual renewal of license 15.00
 6 (k) insurance vending machine license, each machine,
 7 each year 10.00
 8 (l) commissioner's certificate under seal (except when
 9 on certificates of authority or licenses) 10.00
 10 (m) copies of documents on file in the commissioner's
 11 office, per page50
 12 (n) policy forms:
 13 (i) filing each policy form 25.00
 14 (ii) filing each application, rider, endorsement,
 15 amendment, insert page, schedule of rates, and clarification
 16 of risks 10.00
 17 (iii) maximum charge if policy and all forms submitted
 18 at one time or resubmitted for approval within 180 days
 19 100.00
 20 (2) The commissioner shall promptly deposit with the
 21 state treasurer to the credit of the general fund of this
 22 state all fines and penalties, those amounts received
 23 pursuant to 33-2-311, 33-2-705, and 33-2-706, and any fees
 24 and examination and miscellaneous charges received--pursuant
 25 to--Title--33--chapter--17--part--17 that are collected by him

pursuant to Title 33 and the rules adopted thereunder.

(3) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of \$10 will be refunded.

~~(4) All fees and examination and miscellaneous charges except fines or penalties or those amounts received pursuant to 33-2-311, 33-2-705, or 33-2-706, collected by the commissioner pursuant to Title 33 and the rules adopted thereunder must be deposited in the insurance regulatory trust account pursuant to 17-2-121 through 17-2-123.~~

Section 7. Section 33-30-204, MCA, is amended to read:

"33-30-204. Fees. (1) Every health service corporation subject to the provisions of this chapter shall pay the following fees to the commissioner for enforcement of the provisions of this chapter:

(a) enrollment representative's license:

(i) application for original license and issuance of license \$15

(ii) annual renewal \$15

(iii) examination for license, for each examination ...

..... \$15

(b) filing any other statement or report \$1

(c) for a certified copy of any document or other paper filed in the office of the commissioner, per page

..... \$50

(d) for the certificate and for affixing the seal thereto \$10

(e) filing of a membership contract \$25

(f) filing of a membership contract package \$100

(g) filing annual report, other than as part of application for original license \$25

(h) issuance of health service corporation license ...
..... \$300

(i) annual continuation of health service corporation license \$300

(2) The commissioner shall promptly deposit with the state treasurer, to the credit of the ~~insurance regulatory trust account provided for in 17-2-121~~ general fund, all fees and license fees received by him under this section."

Section 8. Section 33-31-212, MCA, is amended to read:

"33-31-212. Fees. (1) Each health maintenance organization shall pay to the commissioner the following fees:

(a) for filing an application for a certificate of authority or amendment thereto, \$300;

(b) for filing an amendment to the organization documents that requires approval, \$25;

(c) for filing each annual statement, \$25;

(d) for annual continuation of certificate of authority, \$300.

1 (2) All fees, and miscellaneous charges, except fines,
2 or penalties, or and those amounts received pursuant to
3 33-31-211(3) and 33-31-405, collected by the commissioner
4 pursuant to this chapter and the rules adopted thereunder
5 must be deposited in the insurance-regulatory-trust--account
6 pursuant-to-17-2-121-through-17-2-123 general fund.

7 (3) The director may assess fees necessary and
8 adequate to cover the expenses of the director's functions
9 under this chapter. Such fees are statutorily appropriated
10 to the department of health as provided in 17-7-502."

11 NEW SECTION. **Section 9.** Repealer. Sections 17-2-122,
12 17-2-123, ~~19-12-302~~, and 30-10-116 through 30-10-118, MCA,
13 are repealed.

14 NEW SECTION. **Section 10.** Effective date. [This act]
15 is effective July 1, 1989.

-End-

SENATE BILL NO. 78

INTRODUCED BY REGAN, HIMSL, BARDANOUE

BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN STATE SPECIAL REVENUE FUND ACCOUNTS THAT PERIODICALLY TRANSFER THEIR UNOBLIGATED BALANCES TO THE GENERAL FUND; REQUIRING MONEY IN THOSE ACCOUNTS TO BE DEPOSITED IN THE GENERAL FUND; AMENDING SECTIONS 16-11-124, 17-2-121, 19-11-513, 19-11-514, 30-9-403, 30-10-115, 30-10-209, 33-2-708, 33-30-204, AND 33-31-212, MCA; REPEALING SECTIONS 17-2-122, 17-2-123, 19-12-302, AND 30-10-116 THROUGH 30-10-118, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 16-11-124, MCA, is amended to read:

"16-11-124. Disposition of license fees. (1) All license fees collected under the provisions of this part shall be deposited with the state treasurer in the department's cigarette enforcement account in the state special-revenue general fund.

(2) For the biennium beginning July 1, 1971, and each Each biennium thereafter, there shall be appropriated to the department a sum deemed an amount justified and reasonable to operate the department's cigarette enforcement division;

providing that after payment of all pending and known expenses, all sums so appropriated in excess of \$7,500 not needed for the administration of this part shall be transferred to the state general fund to be available for general fund purposes. Such transfer shall be made within 15 days of the last day of the biennium.

(3) All expenses charged against said cigarette enforcement account the appropriation shall be justified by itemized claims coupled with standard accounting reports."

Section 2. Section 17-2-121, MCA, is amended to read:

"17-2-121. Insurance regulatory trust account Deposits by insurance commissioner. (1) There is created in the state treasury an account within the state special-revenue fund designated "insurance regulatory trust account" to which must be credited all All fees, and miscellaneous and examination charges, but not fines, or penalties, or and those amounts received pursuant to 33-2-311, 33-2-705, or 33-2-706, collected by the insurance commissioner pursuant to Title 33 and the rules adopted thereunder must be deposited in the general fund.

(2) The money so received and deposited in the insurance regulatory trust account may be paid out of the treasury only on appropriation made by the legislature as provided in 17-8-101 and must be used only to defray the expenses of the insurance commissioner and his staff in the

discharge--of--their--administrative--and--regulatory--powers--and
duties--as--prescribed--by--law,--subject--to--the--applicable--laws
relating--to--the--appropriations--of--state--funds--and--to--the
deposit--and--expenditure--of--state--money. The commissioner--is
responsible--for--the--proper--expenditure--of--this--money--as
provided--by--law.

{3}--Any--cash--balance--remaining--in--the---insurance
regulatory--trust--account--after--all--current--fiscal--year
expenditures--are--met--must--be--transferred--to--the--general
fund."

Section 3. Section 19-11-513, MCA, is amended to read:

"19-11-513. Transfer--of--premium--taxes--to--state
treasury. The state auditor shall estimate the portion of
premium--taxes--needed--to--make--the--payments--required--by--this
chapter and shall pay an amount equal to the estimate into
the--state--treasury,--to--the--credit--of--the--state--special
revenue fund. The payment is payments are statutorily
appropriated--as--provided--in--17-7-502. Any balances
remaining after such payments have been ordered shall be
transferred to the general fund."

Section 4. Section 19-11-514, MCA, is amended to read:

"19-11-514. State--treasurer--to--pay--warrants. The
state treasurer is hereby authorized and directed, upon the
presentation--to--him--of--a--warrant--drawn--pursuant--to--this
chapter, to pay to the treasurer of the city or town, out of

moneys--money--in--the--state--special--revenue--general--fund
dedicated--for--such--purpose, the amount of such the warrant,
specified, which The amount shall be paid by said the city
treasurer--to--said the fire department relief association."

Section 3. Section 30-9-403, MCA, is amended to read:

"30-9-403. What constitutes filing -- duration of
filing -- fees -- effect of lapsed filing -- duties of
filing officer -- computerized farm statement system. (1)
Presentation for filing of a financing statement and tender
of the filing fee or acceptance of the statement by the
filing officer constitutes filing under this chapter.

(2) Except as provided in subsections (6) and (11), a
filed financing statement is effective for a period of 5
years from the date of filing. The effectiveness of a filed
financing statement lapses on the expiration of the 5-year
period unless a continuation statement is filed prior to the
lapse. If a security interest perfected by filing exists at
the time insolvency proceedings are commenced by or against
the debtor, the security interest remains perfected until
termination of the insolvency proceedings and thereafter for
a period of 60 days or until expiration of the 5-year
period, whichever occurs later. Upon lapse the security
interest becomes unperfected, unless it is perfected without
filing. If the security interest becomes unperfected upon
lapse, it is considered to have been unperfected as against

1 a person who became a purchaser or lien creditor before
2 lapse.

3 (3) A continuation statement may be filed by the
4 secured party within 6 months prior to the expiration of the
5 5-year period specified in subsection (2). Any such
6 continuation statement must be signed by the secured party,
7 identify the original statement by file number, and state
8 that the original statement is still effective. A
9 continuation statement signed by a person other than the
10 secured party of record must be accompanied by a separate
11 written statement of assignment signed by the secured party
12 of record and complying with 30-9-405(2), including payment
13 of the required fee. Upon timely filing of the continuation
14 statement, the effectiveness of the original statement is
15 continued for 5 years after the last date to which the
16 filing was effective, whereupon it lapses in the same manner
17 as provided in subsection (2) unless another continuation
18 statement is filed prior to such lapse. Succeeding
19 continuation statements may be filed in the same manner to
20 continue the effectiveness of the original statement. Unless
21 a statute on disposition of public records provides
22 otherwise, the filing officer may remove a lapsed statement
23 from the files and destroy it immediately if he has retained
24 a microfilm or other photographic record, or in other cases
25 after 1 year after the lapse. The filing officer shall so

1 arrange matters by physical annexation of financing
2 statements to continuation statements or other related
3 filings, or by other means, that if he physically destroys
4 the financing statements of a period more than 5 years past,
5 those which have been continued by a continuation statement
6 or which are still effective under subsection (6) shall be
7 retained.

8 (4) Except as provided in subsection (7), a filing
9 officer shall mark each statement with a file number and
10 with the date and hour of filing and shall hold the
11 statement or a microfilm or other photographic copy thereof
12 for public inspection. In addition, the filing officer shall
13 index the statements according to the name of the debtor and
14 shall note in the index the file number and the address of
15 the debtor given in the statement.

16 (5) The uniform fees for filing, indexing, and
17 stamping a copy furnished by the filing party to show the
18 date and place of filing shall be set pursuant to subsection
19 (13).

20 (6) If the debtor is a transmitting utility and a
21 filed financing statement so states, it is effective until a
22 termination statement is filed. A real estate mortgage that
23 is effective as a fixture filing under 30-9-402(6) remains
24 effective as a fixture filing until the mortgage is released
25 or satisfied of record or its effectiveness otherwise

1 terminates as to the real estate.

2 (7) When a financing statement covers timber to be cut
3 or covers minerals or the like (including oil and gas) or
4 accounts subject to 30-9-103(5) or is filed as a fixture
5 filing, the filing officer shall index it under the names of
6 the debtor and any owner of record shown on the financing
7 statement in the same fashion as if they were the mortgagors
8 in a mortgage of the real estate described and, to the
9 extent that the law of this state provides for indexing of
10 mortgages under the name of the mortgagee, under the name of
11 the secured party as if he were the mortgagee thereunder, or
12 if indexing is by description, in the same fashion as if the
13 financing statement were a mortgage of the real estate
14 described.

15 (8) When a financing or continuation statement filed
16 by a financial institution covers farm products or accounts,
17 livestock, general intangibles arising from or relating to
18 the sale of farm products by a farmer, crops growing or to
19 be grown, or equipment used in farming operations, the fee
20 for filing must be established by the secretary of state in
21 an amount commensurate with the costs of establishing and
22 operating the computerized access system described in
23 subsection (9).

24 (9) Within one 1 working day of receipt of a financing
25 or continuation statement, the secretary of state shall

1 record the information contained in the statement on a
2 centralized computer system that he shall establish. The
3 computer system must allow access to financing statement
4 information by any type of communications which conform to
5 standards used by the state central computer. The system
6 must have safeguards to allow only access to UCC data and to
7 prevent alteration, addition, or deletion of the UCC data.
8 The computer must be accessible whenever the state computer
9 system is available. A perfected security interest is not
10 created until the financing statement information is
11 recorded on the system. A printout of information from the
12 system is prima facie evidence of the existence or
13 nonexistence of the filing of a financing statement. The
14 secretary of state shall maintain adequate errors and
15 omissions liability coverage to protect against input errors
16 causing loss to a secured party.

17 (10) The secretary of state shall, upon request of a
18 clerk and recorder, mail a certified copy of a financing
19 statement, continuation statement, assignment, amendment, or
20 termination covering collateral described in subsection (8)
21 to the clerk and recorder in the county of the principal
22 debtor's residence. The secretary of state shall mail the
23 requested copies at least once each week. This subsection
24 does not require the secretary of state to mail a copy of
25 any document which does not specifically indicate the county

1 of the principal debtor's residence on its face.

2 (11) When a financing or continuation statement covers
3 property described in subsection (8), its effectiveness
4 lapses on July 1, 1986, unless prior to that date there is
5 filed in the office of the secretary of state a certified
6 copy of the statement on file with the county clerk and all
7 related documents.

8 (12) Financing statement information in the computer
9 system constitutes public writings within the meaning of
10 2-6-101, but the information may not be used to compile
11 mailing lists.

12 (13) The secretary of state, with advice from the
13 county clerk and recorders, shall by administrative rule
14 establish fees as required by this part. The fees must be
15 commensurate with the costs of processing the documents. The
16 secretary of state shall maintain records sufficient to
17 support the amounts of the fees established under this
18 subsection. The secretary of state shall deposit in a--state
19 ~~special--revenue~~ the general fund in the state treasury all
20 fees he collects, ~~and the fee money may be paid out of the~~
21 ~~treasury only on appropriation made by the legislature as~~
22 ~~provided in 17-8-101. Any fee money collected under this~~
23 ~~part and remaining in the state treasury after all current~~
24 ~~fiscal year expenditures are met must be transferred to the~~
25 ~~general fund.~~ The secretary of state shall disseminate the

1 uniform fee schedule to the county clerk and recorders for
2 their use."

3 **Section 4.** Section 30-10-115, MCA, is amended to read:

4 "30-10-115. Securities----regulatory---trust---account
5 Deposits to the general fund. ~~{1}--There is--created--in--the~~
6 ~~state--special--revenue--fund--an--account--designated--as--the~~
7 ~~"securities-regulatory-trust-account"--into--which--all~~ All
8 fees, examination charges, and miscellaneous charges
9 received by the commissioner pursuant to parts 1 through 3
10 of this chapter must be deposited in the general fund.

11 ~~{2}--The money received and deposited in the securities~~
12 ~~regulatory--trust--account--may--be--paid--out--of--the--treasury~~
13 ~~only--on--appropriation--made--by--the--legislature--as--provided~~
14 ~~in--17-8-101, and may be used only to defray the expenses of~~
15 ~~the commissioner and his staff in the discharge of their~~
16 ~~administrative---and---regulatory---powers---and---duties---as~~
17 ~~prescribed by law, subject to the applicable laws relating~~
18 ~~to--the--appropriation--of--state--funds--and--to--the--deposit--and~~
19 ~~expenditure--of--state--money. The commissioner is responsible~~
20 ~~for the proper expenditure of this money as provided by law.~~

21 ~~{3}--Any cash balance remaining in the securities~~
22 ~~regulatory--trust--account--after--all--current--fiscal--year~~
23 ~~expenditures--are--met--must--be--transferred--to--the--general~~
24 ~~fund."~~

25 **Section 5.** Section 30-10-209, MCA, is amended to read:

1 "30-10-209. Fees. The following fees shall be paid in
2 advance under the provisions of parts 1 through 3 of this
3 chapter:

4 (1) (a) For the registration of securities by
5 notification, coordination, or qualification, there shall be
6 paid to the commissioner for the first year of registration
7 a registration fee of \$200 for the first \$100,000 of initial
8 issue or portion thereof in this state, based on offering
9 price, plus 1/10 of 1% for any excess over \$100,000, with a
10 maximum of \$1,000.

11 (b) Each year thereafter, a registration of securities
12 may be renewed, prior to its termination date, for an
13 additional year upon consent of the commissioner and payment
14 of an additional registration fee to be computed at 1/10 of
15 1% of the aggregate offering price of such securities which
16 are to be offered in this state during that year, even
17 though the maximum fee was paid the preceding year. In no
18 event shall the additional registration fee be less than
19 \$200 or more than \$1,000. The registration statement for
20 such securities may be amended to increase the amount of
21 securities to be offered.

22 (c) If a registrant sells securities in excess of the
23 aggregate amount registered for sale in this state, the
24 registrant may file an amendment to the registration
25 statement to include the excess sales. If the registrant

1 fails to file an amendment before the expiration date of the
2 registration order, he shall pay a filing fee for the excess
3 sales of three times the amount calculated in the manner
4 specified in subsection (1)(b). Registration of the excess
5 securities is effective retroactively to the date of the
6 existing registration.

7 (2) (a) For registration of a broker-dealer or
8 investment adviser, the fee shall be \$200 for original
9 registration and \$200 for each annual renewal.

10 (b) For registration of a salesman or investment
11 adviser representative, the fee shall be \$50 for original
12 registration with each employer, \$50 for each annual
13 renewal, and \$50 for each transfer.

14 (3) For certified copies of any documents filed with
15 the commissioner, the fee shall be the cost to the
16 department.

17 (4) For a request for an exemption under
18 30-10-105(15), the fee shall be established by the
19 commissioner by rule. For a request for any other exemption
20 or an exception to the provisions of parts 1 through 3 of
21 this chapter, the fee shall be \$50.

22 (5) All fees are considered fully earned when
23 received. In the event of overpayment, only those amounts in
24 excess of \$10 may be refunded.

25 (6) All fees, examination charges, and miscellaneous

1 charges, except fines, or and penalties, collected by the
 2 commissioner pursuant to parts 1 through 3 of this chapter
 3 and the rules adopted hereunder must be deposited into--the
 4 securities--regulatory--trust-account, pursuant to 38-10-115
 5 through 38-10-118.

6 {7}--All--fines--and--penalties--collected--by--the
 7 commissioner--pursuant--to--parts--1--through--3--of--this--chapter
 8 and the rules adopted hereunder must be deposited into in
 9 the general fund."

10 **Section 6.** Section 33-2-708, MCA, is amended to read:

11 "33-2-708. Fees and licenses. (1) The commissioner
 12 shall collect in advance and the persons so served shall so
 13 pay to the commissioner the following fees and licenses:

14 (a) certificates of authority:

15 (i) for filing applications for original certificates
 16 of authority, articles of incorporation (except original
 17 articles of incorporation of domestic insurers as provided
 18 in subsection (b) below) and other charter documents,
 19 bylaws, financial statement, examination report, power of
 20 attorney to the commissioner, and all other documents and
 21 filings required in connection with such application and for
 22 issuance of an original certificate of authority, if issued:

23 (A) domestic insurers \$ 300.00
 24 (B) foreign insurers 300.00
 25 (ii) annual continuation of certificate of authority ..

1 300.00
 2 (iii) reinstatement of certificate of authority
 3 25.00
 4 (iv) amendment of certificate of authority 50.00
 5 (b) articles of incorporation:
 6 (i) filing original articles of incorporation of
 7 domestic insurer, exclusive of fees required to be paid by
 8 the corporation to the secretary of state 20.00
 9 (ii) filing amendment of articles of incorporation,
 10 domestic and foreign insurers, exclusive of fees required to
 11 be paid to the secretary of state by a domestic corporation
 12 25.00
 13 (c) filing bylaws or amendment thereto where required
 14 10.00
 15 (d) filing annual statement of insurer, other than as
 16 part of application for original certificate of authority ..
 17 25.00
 18 (e) resident agent's license:
 19 (i) application for original license, including
 20 issuance of license, if issued (life and/or disability)
 21 15.00
 22 (ii) application for original license, including
 23 issuance of license, if issued (other than life and/or
 24 disability) 15.00
 25 (iii) appointment of agent, each insurer 10.00

1 (iv) annual renewal, each insurer 10.00
 2 (v) temporary license 10.00
 3 (vi) amendment of license (excluding additions thereto)
 4 or reissuance of master license 10.00
 5 (f) nonresident agent's license:
 6 (i) application for original license, including
 7 issuance of license, if issued (life and/or disability)
 8 100.00
 9 (ii) application for original license, including
 10 issuance of license, if issued (other than life and/or
 11 disability) 100.00
 12 (iii) appointment of agent, each insurer 10.00
 13 (iv) annual renewal, each insurer 10.00
 14 (v) amendment of license (excluding additions thereto)
 15 or reissuance of master license 10.00
 16 (g) solicitor's license:
 17 (i) application for original license, including
 18 issuance of license, if issued 15.00
 19 (ii) annual renewal of license 15.00
 20 (iii) appointment of solicitor 10.00
 21 (h) examination for license as agent or solicitor,
 22 each examination 15.00
 23 (i) surplus lines agent license:
 24 (i) application for original license and for issuance
 25 of license, if issued 50.00

1 (ii) annual renewal of license 50.00
 2 (j) adjuster's license:
 3 (i) application for original license and for issuance
 4 of license, if issued 15.00
 5 (ii) annual renewal of license 15.00
 6 (k) insurance vending machine license, each machine,
 7 each year 10.00
 8 (l) commissioner's certificate under seal (except when
 9 on certificates of authority or licenses) 10.00
 10 (m) copies of documents on file in the commissioner's
 11 office, per page50
 12 (n) policy forms:
 13 (i) filing each policy form 25.00
 14 (ii) filing each application, rider, endorsement,
 15 amendment, insert page, schedule of rates, and clarification
 16 of risks 10.00
 17 (iii) maximum charge if policy and all forms submitted
 18 at one time or resubmitted for approval within 180 days
 19 100.00
 20 (2) The commissioner shall promptly deposit with the
 21 state treasurer to the credit of the general fund of this
 22 state all fines and penalties, those amounts received
 23 pursuant to 33-2-311, 33-2-705, and 33-2-706, and any fees
 24 and examination and miscellaneous charges received--pursuant
 25 to--~~title--33--chapter--117--part--17~~ that are collected by him

1 pursuant to Title 33 and the rules adopted thereunder.

2 (3) All fees are considered fully earned when
3 received. In the event of overpayment, only those amounts in
4 excess of \$10 will be refunded.

5 ~~{4}--All---fees---and---examination---and---miscellaneous~~
6 ~~charges, except fines or penalties or those amounts received~~
7 ~~pursuant to 33-2-311, 33-2-705, or 33-2-706, collected by~~
8 ~~the commissioner pursuant to Title 33 and the rules adopted~~
9 ~~thereunder must be deposited in the insurance regulatory~~
10 ~~trust account pursuant to 17-2-121 through 17-2-123."~~

11 **Section 7.** Section 33-30-204, MCA, is amended to read:

12 "33-30-204. Fees. (1) Every health service corporation
13 subject to the provisions of this chapter shall pay the
14 following fees to the commissioner for enforcement of the
15 provisions of this chapter:

- 16 (a) enrollment representative's license:
17 (i) application for original license and issuance of
18 license \$15
19 (ii) annual renewal \$15
20 (iii) examination for license, for each examination ...
21 \$15
22 (b) filing any other statement or report \$1
23 (c) for a certified copy of any document or other
24 paper filed in the office of the commissioner, per page
25 \$.50

1 (d) for the certificate and for affixing the seal
2 thereto \$10

3 (e) filing of a membership contract \$25

4 (f) filing of a membership contract package \$100

5 (g) filing annual report, other than as part of
6 application for original license \$25

7 (h) issuance of health service corporation license ...
8 \$300

9 (i) annual continuation of health service corporation
10 license \$300

11 (2) The commissioner shall promptly deposit with the
12 state treasurer, to the credit of the ~~insurance regulatory~~
13 ~~trust account provided for in 17-2-121~~ general fund, all
14 fees and license fees received by him under this section."

15 **Section 8.** Section 33-31-212, MCA, is amended to read:

16 "33-31-212. Fees. (1) Each health maintenance
17 organization shall pay to the commissioner the following
18 fees:

19 (a) for filing an application for a certificate of
20 authority or amendment thereto, \$300;

21 (b) for filing an amendment to the organization
22 documents that requires approval, \$25;

23 (c) for filing each annual statement, \$25;

24 (d) for annual continuation of certificate of
25 authority, \$300.

1 (2) All fees, and miscellaneous charges, except fines,
2 or penalties, or and those amounts received pursuant to
3 33-31-211(3) and 33-31-405, collected by the commissioner
4 pursuant to this chapter and the rules adopted thereunder
5 must be deposited in the ~~insurance-regulatory-trust--account~~
6 ~~pursuant-to-17-2-121-through-17-2-123~~ general fund.

7 (3) The director may assess fees necessary and
8 adequate to cover the expenses of the director's functions
9 under this chapter. Such fees are statutorily appropriated
10 to the department of health as provided in 17-7-502."

11 NEW SECTION. **Section 9.** Repealer. Sections 17-2-122,
12 17-2-123, ~~19-12-302~~, and 30-10-116 through 30-10-118, MCA,
13 are repealed.

14 NEW SECTION. **Section 10.** Effective date. [This act]
15 is effective July 1, 1989.

-End-

SENATE BILL NO. 78

INTRODUCED BY REGAN, HIMSL, BARDANOUVE

BY REQUEST OF THE LEGISLATIVE FINANCE COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING CERTAIN STATE SPECIAL REVENUE FUND ACCOUNTS THAT PERIODICALLY TRANSFER THEIR UNOBLIGATED BALANCES TO THE GENERAL FUND; REQUIRING MONEY IN THOSE ACCOUNTS TO BE DEPOSITED IN THE GENERAL FUND; AMENDING SECTIONS 16-11-124, 17-2-121, 19-11-513, 19-11-514, 30-9-403, 30-10-115, 30-10-209, 33-2-708, 33-30-204, AND 33-31-212, MCA; REPEALING SECTIONS 17-2-122, 17-2-123, 19-12-302, AND 30-10-116 THROUGH 30-10-118, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 16-11-124, MCA, is amended to read:

"16-11-124. Disposition of license fees. (1) All license fees collected under the provisions of this part shall be deposited with the state treasurer in the department's cigarette enforcement account in the state special revenue general fund.

(2) For the biennium beginning July 1, 1971, and each Each biennium thereafter, there shall be appropriated to the department a sum deemed an amount justified and reasonable to operate the department's cigarette enforcement division,

providing that after payment of all pending and known expenses, all sums so appropriated in excess of \$7,500 not needed for the administration of this part shall be transferred to the state general fund to be available for general fund purposes. Such transfer shall be made within 15 days of the last day of the biennium.

(3) All expenses charged against said cigarette enforcement account the appropriation shall be justified by itemized claims coupled with standard accounting reports."

Section 2. Section 17-2-121, MCA, is amended to read:

"17-2-121. Insurance regulatory trust account Deposits by insurance commissioner. (1) There is created in the state treasury an account within the state special revenue fund designated "insurance regulatory trust account" to which must be credited all All fees, and miscellaneous and examination charges, but not fines, or penalties, or and those amounts received pursuant to 33-2-311, 33-2-705, or 33-2-706, collected by the insurance commissioner pursuant to Title 33 and the rules adopted thereunder must be deposited in the general fund.

(2) The money so received and deposited in the insurance regulatory trust account may be paid out of the treasury only on appropriation made by the legislature as provided in 17-8-101 and must be used only to defray the expenses of the insurance commissioner and his staff in the

discharge--of-their-administrative-and-regulatory-powers-and
duties-as-prescribed-by-law, subject-to-the-applicable--laws
relating--to--the--appropriations--of-state-funds-and-to-the
deposit-and-expenditure-of-state-money. The-commissioner--is
responsible--for--the--proper--expenditure--of-this-money-as
provided-by-law.

{3}-Any-cash--balance--remaining--in--the---insurance
regulatory--trust--account--after--all--current--fiscal-year
expenditures-are-met-must-be--transferred--to--the--general
fund."

Section 3. Section 19-11-513, MCA, is amended to read:

"19-11-513. Transfer---of---premium---taxes--to--state
treasury. The-state-auditor-shall-estimate-the--portion--of
premium--taxes--needed-to-make-the-payments-required-by-this
chapter-and-shall-pay-an-amount-equal-to-the--estimate--into
the--state--treasury,--to--the--credit--of-the-state-special
revenue-fund. The--payment--is--payments--are--statutorily
appropriated---as---provided---in--17-7-502. Any--balances
remaining-after-such-payments-have--been--ordered--shall--be
transferred-to-the-general-fund."

Section 4. Section 19-11-514, MCA, is amended to read:

"19-11-514. State--treasurer--to--pay--warrants. The
state-treasurer-is-hereby-authorized-and-directed, upon--the
presentation--to--him--of--a--warrant-drawn-pursuant-to-this
chapter, to-pay-to-the-treasurer-of-the-city-or-town, out-of

moneys--money-in--the--state--special--revenue--general--fund
dedicated--for-such-purpose, the-amount-of-such--the-warrant,
specified, which--The-amount-shall-be-paid-by-said--the--city
treasurer--to--said--the-fire-department-relief-association."

Section 3. Section 30-9-403, MCA, is amended to read:

"30-9-403. What constitutes filing -- duration of
filing -- fees -- effect of lapsed filing -- duties of
filing officer -- computerized farm statement system. (1)
Presentation for filing of a financing statement and tender
of the filing fee or acceptance of the statement by the
filing officer constitutes filing under this chapter.

(2) Except as provided in subsections (6) and (11), a
filed financing statement is effective for a period of 5
years from the date of filing. The effectiveness of a filed
financing statement lapses on the expiration of the 5-year
period unless a continuation statement is filed prior to the
lapse. If a security interest perfected by filing exists at
the time insolvency proceedings are commenced by or against
the debtor, the security interest remains perfected until
termination of the insolvency proceedings and thereafter for
a period of 60 days or until expiration of the 5-year
period, whichever occurs later. Upon lapse the security
interest becomes unperfected, unless it is perfected without
filing. If the security interest becomes unperfected upon
lapse, it is considered to have been unperfected as against

1 a person who became a purchaser or lien creditor before
2 lapse.

3 (3) A continuation statement may be filed by the
4 secured party within 6 months prior to the expiration of the
5 5-year period specified in subsection (2). Any such
6 continuation statement must be signed by the secured party,
7 identify the original statement by file number, and state
8 that the original statement is still effective. A
9 continuation statement signed by a person other than the
10 secured party of record must be accompanied by a separate
11 written statement of assignment signed by the secured party
12 of record and complying with 30-9-405(2), including payment
13 of the required fee. Upon timely filing of the continuation
14 statement, the effectiveness of the original statement is
15 continued for 5 years after the last date to which the
16 filing was effective, whereupon it lapses in the same manner
17 as provided in subsection (2) unless another continuation
18 statement is filed prior to such lapse. Succeeding
19 continuation statements may be filed in the same manner to
20 continue the effectiveness of the original statement. Unless
21 a statute on disposition of public records provides
22 otherwise, the filing officer may remove a lapsed statement
23 from the files and destroy it immediately if he has retained
24 a microfilm or other photographic record, or in other cases
25 after 1 year after the lapse. The filing officer shall so

1 arrange matters by physical annexation of financing
2 statements to continuation statements or other related
3 filings, or by other means, that if he physically destroys
4 the financing statements of a period more than 5 years past,
5 those which have been continued by a continuation statement
6 or which are still effective under subsection (6) shall be
7 retained.

8 (4) Except as provided in subsection (7), a filing
9 officer shall mark each statement with a file number and
10 with the date and hour of filing and shall hold the
11 statement or a microfilm or other photographic copy thereof
12 for public inspection. In addition, the filing officer shall
13 index the statements according to the name of the debtor and
14 shall note in the index the file number and the address of
15 the debtor given in the statement.

16 (5) The uniform fees for filing, indexing, and
17 stamping a copy furnished by the filing party to show the
18 date and place of filing shall be set pursuant to subsection
19 (13).

20 (6) If the debtor is a transmitting utility and a
21 filed financing statement so states, it is effective until a
22 termination statement is filed. A real estate mortgage that
23 is effective as a fixture filing under 30-9-402(6) remains
24 effective as a fixture filing until the mortgage is released
25 or satisfied of record or its effectiveness otherwise

1 terminates as to the real estate.

2 (7) When a financing statement covers timber to be cut
3 or covers minerals or the like (including oil and gas) or
4 accounts subject to 30-9-103(5) or is filed as a fixture
5 filing, the filing officer shall index it under the names of
6 the debtor and any owner of record shown on the financing
7 statement in the same fashion as if they were the mortgagors
8 in a mortgage of the real estate described and, to the
9 extent that the law of this state provides for indexing of
10 mortgages under the name of the mortgagee, under the name of
11 the secured party as if he were the mortgagee thereunder, or
12 if indexing is by description, in the same fashion as if the
13 financing statement were a mortgage of the real estate
14 described.

15 (8) When a financing or continuation statement filed
16 by a financial institution covers farm products or accounts,
17 livestock, general intangibles arising from or relating to
18 the sale of farm products by a farmer, crops growing or to
19 be grown, or equipment used in farming operations, the fee
20 for filing must be established by the secretary of state in
21 an amount commensurate with the costs of establishing and
22 operating the computerized access system described in
23 subsection (9).

24 (9) Within one 1 working day of receipt of a financing
25 or continuation statement, the secretary of state shall

1 record the information contained in the statement on a
2 centralized computer system that he shall establish. The
3 computer system must allow access to financing statement
4 information by any type of communications which conform to
5 standards used by the state central computer. The system
6 must have safeguards to allow only access to UCC data and to
7 prevent alteration, addition, or deletion of the UCC data.
8 The computer must be accessible whenever the state computer
9 system is available. A perfected security interest is not
10 created until the financing statement information is
11 recorded on the system. A printout of information from the
12 system is prima facie evidence of the existence or
13 nonexistence of the filing of a financing statement. The
14 secretary of state shall maintain adequate errors and
15 omissions liability coverage to protect against input errors
16 causing loss to a secured party.

17 (10) The secretary of state shall, upon request of a
18 clerk and recorder, mail a certified copy of a financing
19 statement, continuation statement, assignment, amendment, or
20 termination covering collateral described in subsection (8)
21 to the clerk and recorder in the county of the principal
22 debtor's residence. The secretary of state shall mail the
23 requested copies at least once each week. This subsection
24 does not require the secretary of state to mail a copy of
25 any document which does not specifically indicate the county

1 of the principal debtor's residence on its face.

2 (11) When a financing or continuation statement covers
3 property described in subsection (8), its effectiveness
4 lapses on July 1, 1986, unless prior to that date there is
5 filed in the office of the secretary of state a certified
6 copy of the statement on file with the county clerk and all
7 related documents.

8 (12) Financing statement information in the computer
9 system constitutes public writings within the meaning of
10 2-6-101, but the information may not be used to compile
11 mailing lists.

12 (13) The secretary of state, with advice from the
13 county clerk and recorders, shall by administrative rule
14 establish fees as required by this part. The fees must be
15 commensurate with the costs of processing the documents. The
16 secretary of state shall maintain records sufficient to
17 support the amounts of the fees established under this
18 subsection. The secretary of state shall deposit in a--state
19 ~~special--revenue~~ the general fund in the state treasury all
20 fees he collects, ~~and the fee money may be paid out of the~~
21 ~~treasury only on appropriation made by the legislature as~~
22 ~~provided in 17-8-101. Any fee money collected under this~~
23 ~~part and remaining in the state treasury after all current~~
24 ~~fiscal year expenditures are met must be transferred to the~~
25 ~~general fund.~~ The secretary of state shall disseminate the

1 uniform fee schedule to the county clerk and recorders for
2 their use."

3 **Section 4.** Section 30-10-115, MCA, is amended to read:

4 "30-10-115. Securities----regulatory----trust----account
5 Deposits to the general fund. ~~{1} There is created in the~~
6 ~~state special revenue fund an account designated as the~~
7 ~~"securities regulatory trust account" into which all~~ All
8 fees, examination charges, and miscellaneous charges
9 received by the commissioner pursuant to parts 1 through 3
10 of this chapter must be deposited in the general fund.

11 ~~{2} The money received and deposited in the securities~~
12 ~~regulatory trust account may be paid out of the treasury~~
13 ~~only on appropriation made by the legislature, as provided~~
14 ~~in 17-8-101, and may be used only to defray the expenses of~~
15 ~~the commissioner and his staff in the discharge of their~~
16 ~~administrative and regulatory powers and duties as~~
17 ~~prescribed by law, subject to the applicable laws relating~~
18 ~~to the appropriation of state funds and to the deposit and~~
19 ~~expenditure of state money. The commissioner is responsible~~
20 ~~for the proper expenditure of this money as provided by law.~~

21 ~~{3} Any cash balance remaining in the securities~~
22 ~~regulatory trust account after all current fiscal year~~
23 ~~expenditures are met must be transferred to the general~~
24 ~~fund."~~

25 **Section 5.** Section 30-10-209, MCA, is amended to read:

1 "30-10-209. Fees. The following fees shall be paid in
2 advance under the provisions of parts 1 through 3 of this
3 chapter:

4 (1) (a) For the registration of securities by
5 notification, coordination, or qualification, there shall be
6 paid to the commissioner for the first year of registration
7 a registration fee of \$200 for the first \$100,000 of initial
8 issue or portion thereof in this state, based on offering
9 price, plus 1/10 of 1% for any excess over \$100,000, with a
10 maximum of \$1,000.

11 (b) Each year thereafter, a registration of securities
12 may be renewed, prior to its termination date, for an
13 additional year upon consent of the commissioner and payment
14 of an additional registration fee to be computed at 1/10 of
15 1% of the aggregate offering price of such securities which
16 are to be offered in this state during that year, even
17 though the maximum fee was paid the preceding year. In no
18 event shall the additional registration fee be less than
19 \$200 or more than \$1,000. The registration statement for
20 such securities may be amended to increase the amount of
21 securities to be offered.

22 (c) If a registrant sells securities in excess of the
23 aggregate amount registered for sale in this state, the
24 registrant may file an amendment to the registration
25 statement to include the excess sales. If the registrant

1 fails to file an amendment before the expiration date of the
2 registration order, he shall pay a filing fee for the excess
3 sales of three times the amount calculated in the manner
4 specified in subsection (1)(b). Registration of the excess
5 securities is effective retroactively to the date of the
6 existing registration.

7 (2) (a) For registration of a broker-dealer or
8 investment adviser, the fee shall be \$200 for original
9 registration and \$200 for each annual renewal.

10 (b) For registration of a salesman or investment
11 adviser representative, the fee shall be \$50 for original
12 registration with each employer, \$50 for each annual
13 renewal, and \$50 for each transfer.

14 (3) For certified copies of any documents filed with
15 the commissioner, the fee shall be the cost to the
16 department.

17 (4) For a request for an exemption under
18 30-10-105(15), the fee shall be established by the
19 commissioner by rule. For a request for any other exemption
20 or an exception to the provisions of parts 1 through 3 of
21 this chapter, the fee shall be \$50.

22 (5) All fees are considered fully earned when
23 received. In the event of overpayment, only those amounts in
24 excess of \$10 may be refunded.

25 (6) All fees, examination charges, and miscellaneous

1 charges, except fines, or and penalties, collected by the
 2 commissioner pursuant to parts 1 through 3 of this chapter
 3 and the rules adopted hereunder must be deposited into--the
 4 securities--regulatory--trust-account, pursuant to 38-10-115
 5 through 38-10-118.

6 {7}--All--fines--and--penalties---collected---by---the
 7 commissioner--pursuant--to-parts-1-through-3-of-this-chapter
 8 and-the-rules-adopted-hereunder-must-be--deposited--into in
 9 the general fund."

10 **Section 6.** Section 33-2-708, MCA, is amended to read:

11 "33-2-708. Fees and licenses. (1) The commissioner
 12 shall collect in advance and the persons so served shall so
 13 pay to the commissioner the following fees and licenses:

14 (a) certificates of authority:

15 (i) for filing applications for original certificates
 16 of authority, articles of incorporation (except original
 17 articles of incorporation of domestic insurers as provided
 18 in subsection (b) below) and other charter documents,
 19 bylaws, financial statement, examination report, power of
 20 attorney to the commissioner, and all other documents and
 21 filings required in connection with such application and for
 22 issuance of an original certificate of authority, if issued:

23 (A) domestic insurers \$ 300.00

24 (B) foreign insurers 300.00

25 (ii) annual continuation of certificate of authority ..

1 300.00
 2 (iii) reinstatement of certificate of authority
 3 25.00
 4 (iv) amendment of certificate of authority 50.00
 5 (b) articles of incorporation:
 6 (i) filing original articles of incorporation of
 7 domestic insurer, exclusive of fees required to be paid by
 8 the corporation to the secretary of state 20.00
 9 (ii) filing amendment of articles of incorporation,
 10 domestic and foreign insurers, exclusive of fees required to
 11 be paid to the secretary of state by a domestic corporation
 12 25.00
 13 (c) filing bylaws or amendment thereto where required
 14 10.00
 15 (d) filing annual statement of insurer, other than as
 16 part of application for original certificate of authority ..
 17 25.00
 18 (e) resident agent's license:
 19 (i) application for original license, including
 20 issuance of license, if issued (life and/or disability)
 21 15.00
 22 (ii) application for original license, including
 23 issuance of license, if issued (other than life and/or
 24 disability) 15.00
 25 (iii) appointment of agent, each insurer 10.00

1	(iv) annual renewal, each insurer	10.00
2	(v) temporary license	10.00
3	(vi) amendment of license (excluding additions thereto)	
4	or reissuance of master license	10.00
5	(f) nonresident agent's license:	
6	(i) application for original license, including	
7	issuance of license, if issued (life and/or disability)	
8	100.00
9	(ii) application for original license, including	
10	issuance of license, if issued (other than life and/or	
11	disability)	100.00
12	(iii) appointment of agent, each insurer	10.00
13	(iv) annual renewal, each insurer	10.00
14	(v) amendment of license (excluding additions thereto)	
15	or reissuance of master license	10.00
16	(g) solicitor's license:	
17	(i) application for original license, including	
18	issuance of license, if issued	15.00
19	(ii) annual renewal of license	15.00
20	(iii) appointment of solicitor	10.00
21	(h) examination for license as agent or solicitor,	
22	each examination	15.00
23	(i) surplus lines agent license:	
24	(i) application for original license and for issuance	
25	of license, if issued	50.00

1	(ii) annual renewal of license	50.00
2	(j) adjuster's license:	
3	(i) application for original license and for issuance	
4	of license, if issued	15.00
5	(ii) annual renewal of license	15.00
6	(k) insurance vending machine license, each machine,	
7	each year	10.00
8	(l) commissioner's certificate under seal (except when	
9	on certificates of authority or licenses)	10.00
10	(m) copies of documents on file in the commissioner's	
11	office, per page50
12	(n) policy forms:	
13	(i) filing each policy form	25.00
14	(ii) filing each application, rider, endorsement,	
15	amendment, insert page, schedule of rates, and clarification	
16	of risks	10.00
17	(iii) maximum charge if policy and all forms submitted	
18	at one time or resubmitted for approval within 180 days	
19	100.00
20	(2) The commissioner shall promptly deposit with the	
21	state treasurer to the credit of the general fund of this	
22	state all fines and penalties, those amounts received	
23	pursuant to 33-2-311, 33-2-705, and 33-2-706, and any fees	
24	and examination and miscellaneous charges received--pursuant	
25	to--Title--33, chapter--11, part--1, that are collected by him	

1 pursuant to Title 33 and the rules adopted thereunder.

2 (3) All fees are considered fully earned when
3 received. In the event of overpayment, only those amounts in
4 excess of \$10 will be refunded.

5 ~~(4) All fees and examination and miscellaneous~~
6 ~~charges, except fines or penalties or those amounts received~~
7 ~~pursuant to 33-2-311, 33-2-705, or 33-2-706, collected by~~
8 ~~the commissioner pursuant to Title 33 and the rules adopted~~
9 ~~thereunder must be deposited in the insurance regulatory~~
10 ~~trust account pursuant to 17-2-121 through 17-2-123.~~

11 **Section 7.** Section 33-30-204, MCA, is amended to read:

12 "33-30-204. **Fees.** (1) Every health service corporation
13 subject to the provisions of this chapter shall pay the
14 following fees to the commissioner for enforcement of the
15 provisions of this chapter:

16 (a) enrollment representative's license:

17 (i) application for original license and issuance of
18 license \$15

19 (ii) annual renewal \$15

20 (iii) examination for license, for each examination ...
21 \$15

22 (b) filing any other statement or report \$1

23 (c) for a certified copy of any document or other
24 paper filed in the office of the commissioner, per page
25 \$.50

1 (d) for the certificate and for affixing the seal
2 thereto \$10

3 (e) filing of a membership contract \$25

4 (f) filing of a membership contract package \$100

5 (g) filing annual report, other than as part of
6 application for original license \$25

7 (h) issuance of health service corporation license ...
8 \$300

9 (i) annual continuation of health service corporation
10 license \$300

11 (2) The commissioner shall promptly deposit with the
12 state treasurer, to the credit of the insurance regulatory
13 trust account provided for in 17-2-121 general fund, all
14 fees and license fees received by him under this section."

15 **Section 8.** Section 33-31-212, MCA, is amended to read:

16 "33-31-212. **Fees.** (1) Each health maintenance
17 organization shall pay to the commissioner the following
18 fees:

19 (a) for filing an application for a certificate of
20 authority or amendment thereto, \$300;

21 (b) for filing an amendment to the organization
22 documents that requires approval, \$25;

23 (c) for filing each annual statement, \$25;

24 (d) for annual continuation of certificate of
25 authority, \$300.

1 (2) All fees, and miscellaneous charges, except fines,
2 or penalties, or and those amounts received pursuant to
3 33-31-211(3) and 33-31-405, collected by the commissioner
4 pursuant to this chapter and the rules adopted thereunder
5 must be deposited in the insurance-regulatory-trust--account
6 pursuant-to-17-2-121-through-17-2-123 general fund.

7 (3) The director may assess fees necessary and
8 adequate to cover the expenses of the director's functions
9 under this chapter. Such fees are statutorily appropriated
10 to the department of health as provided in 17-7-502."

11 NEW SECTION. Section 9. Repealer. Sections 17-2-122,
12 17-2-123, 19-12-382, and 30-10-116 through 30-10-118, MCA,
13 are repealed.

14 NEW SECTION. Section 10. Effective date. [This act]
15 is effective July 1, 1989.

-End-