

*House* BILL NO. 338  
*Kuc*

INTRODUCED BY \_\_\_\_\_

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING SUBDIVISION FILING FEES; AND AMENDING SECTION 7-4-2631, MCA."

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

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

**"7-4-2631. Fees of county clerk.** (1) Except as provided in 7-4-2632, the county clerks ~~must~~ shall charge, for the use of their respective counties:

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

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

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

(ii) for each additional mining claim included in ~~it~~ the affidavit, 50 cents;

(c) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$5 for each page;

(d) for filing of subdivision and townsite plats, ~~\$5 plus~~;

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

~~(ii) for each additional lot in excess of 100, 25 cents~~ \$50 for each plat;

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

(f) for a copy of a record or paper:

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

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

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

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

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

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

4 (k) for recording each stock subscription and contract, stock certificate, and articles of  
5 incorporation for water users' associations, \$3;

6 (l) for filing a copy of notarial commission and issuing a certificate of official character of ~~such a~~  
7 notary public, \$2;

8 (m) for each certified copy of a birth certificate, \$5, and for each certified copy of a death  
9 certificate, \$3;

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

13 (2) State agencies submitting documents to be put of record shall pay the fees provided for in this  
14 section. If a state agency or political subdivision has requested an account with the county clerk, any  
15 applicable fees must be paid on a periodic basis."

16 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0338, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act generally revising subdivision filing fees.

ASSUMPTIONS:

**Natural Resources and Conservation:**

1. The Department of Natural Resources and Conservation (DNRC) files 10 surveys per year.
2. The filing fee will increase by \$45 per survey.

**Montana Department of Transportation:**

3. The Montana Department of Transportation (MDOT) files about 50 surveys per year.

FISCAL IMPACT:

Expenditures:

	<u>FY98</u>	<u>FY99</u>
<b>Natural Resources and Conservation:</b>	<u>Difference</u>	<u>Difference</u>
Operating Expenses	450	450
<b>Montana Department of Transportation:</b>		
Operating Expenses	<u>2,250</u>	<u>2,250</u>
Total	2,700	2,700

Funding:

Forest Improvement Account (02)	450	450
Highway State Special (02)	2,250	2,250

Net Impact on fund Balance: (Revenue minus expense)

Forest Improvement Account (02)	(450)	(450)
Highway State Special (02)	(2,250)	(2,250)

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

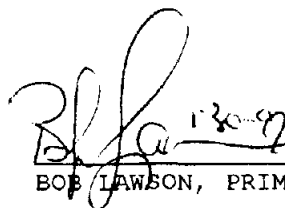
1. Actual survey documents filed with the county are kept permanently.
2. The filing fee increase will be deposited to the general fund of the county to be used to recover the cost of storage of the documents.

LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Assuming a similar workload, the annual costs will continue.

 1-29-97

DAVE LEWIS, BUDGET DIRECTOR DATE  
Office of Budget and Program Planning

 1-30-97

BOB LAWSON, PRIMARY SPONSOR DATE

Fiscal Note for HB0338, as introduced

**HB 338**

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2 INTRODUCED BY LAWSON

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19 instrument required by law to be filed and indexed, \$5 for each page;20 (d) for filing of subdivision and townsite plats, ~~\$5 plus:~~21 ~~(i) for each lot up to and including 100, 50 cents;~~22 ~~(ii) for each additional lot in excess of 100, 25 cents~~ \$50 for each plat \$15 PLUS:23 (I) FOR EACH LOT UP TO AND INCLUDING 100, \$1;24 (II) FOR EACH ADDITIONAL LOT IN EXCESS OF 100, 50 CENTS;25 (e) for filing certificates of surveys and amendments ~~thereto to the certificates, \$5 plus 50 cents~~  
26 ~~per tract or lot \$50 for each survey~~ \$15 PLUS \$5 FOR EACH TRACT OR LOT;

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