

SENATE BILL NO. 87

INTRODUCED BY JERGESON

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING THE REQUIREMENT THAT THE SECRETARY OF STATE TRANSFER PROPRIETARY FUNDS TO THE GENERAL FUND AT THE END OF A FISCAL YEAR; AMENDING SECTION 2-6-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-6-103, MCA, is amended to read:

"2-6-103. Filing and copying fees. (1) The secretary of state, for services performed in the office, shall charge and collect the following fees:

(a) for each copy of any law, resolution, record, or other document or paper on file in ~~his~~ the secretary of state's office, except corporate papers, 40 cents ~~per~~ for each folio or, if the copy is made by any process of reproduction by photographic, photostatic, or similar process, the fee ~~shall be~~ is 50 cents ~~per~~ a page or fraction of a page;

(b) for affixing certificate and seal, \$2;

(c) for receiving and recording each official bond, \$10;

(d) for each commission or other document signed by the governor and attested by the secretary of state (pardon, military commissions, and extraditions excepted), \$5;

(e) for issuing each certificate of record, \$5;

(f) for filing and recording miscellaneous papers, records, or other documents, \$5;

(g) for filing and recording any other paper not otherwise provided for, \$5;

(h) for filing and recording any paper, record, or other document or other than a standard form when recommended by the secretary of state, \$5;

(i) when a copy of any law, resolution, record, or other document or paper on file in the office of the secretary of state is presented for comparison and certification, 10 cents ~~per~~ for each folio must be charged and collected for proofreading the ~~same~~ copy.

(2) A member of the legislature or state or county officer may not be charged for any search

1 relative to matters appertaining to the duties of the member's office or for a certified copy of any law or  
2 resolution passed by the legislature relative to the member's official duties.

3 (3) The secretary of state may not charge a fee, other than the fees authorized in 2-6-110, for  
4 providing electronic information.

5 (4) Fees must be collected in advance and when collected by the secretary of state are not  
6 refundable and must be deposited pursuant to 17-6-105.

7 ~~(5) Within 120 days following the end of each fiscal year, the secretary of state shall deposit into  
8 the general fund from the proprietary fund any revenue collected in the proprietary fund during the prior  
9 fiscal year that is in excess of the amount appropriated from the proprietary fund for the current year."~~

10

11 NEW SECTION. **Section 2. Effective date.** [This act] is effective on passage and approval.

12

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0087, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act eliminating the requirement that the Secretary of State transfer proprietary funds to the general fund at the end of a fiscal year.

ASSUMPTIONS:

1. In accordance with current law, the Secretary of State's Office transferred \$441,570 from proprietary account fund balance to the general fund during fiscal year 1994.
2. In accordance with current law, the Secretary of State's Office transferred \$422,000 from proprietary account fund balance to the general fund during fiscal year 1995.
3. The 1995 Legislature passed HB576 that, among other things, eliminated the requirement that proprietary funds be appropriated. Because 2-6-103 (5), MCA, requires the Secretary of State to deposit to the general fund proprietary fund revenue from the prior fiscal year in excess of the amount appropriated for the current year, the Secretary of State must either deposit all revenue received in the prior fiscal year to the general fund or deposit none of the revenue. The practical effect of HB576 has been to eliminate the transfer of proprietary funds to the general fund.
4. The bill will have no fiscal impact on the Secretary of State's Office or the general fund.

FISCAL IMPACT:

There is no fiscal impact on state government.

*Dave Lewis* 1-11-97  
DAVE LEWIS, BUDGET DIRECTOR      DATE  
Office of Budget and Program Planning

*Greg Jergeson* 1/13/97  
GREG JERGESON, SPONSOR      DATE

Fiscal Note for SB0087, as introduced

**SB 87**

APPROVED BY COM ON  
STATE ADMINISTRATION

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OFFICE OF THE GOVERNOR

STATE OF MONTANA



MARC RACICOT  
GOVERNOR

STATE CAPITOL  
HELENA, MONTANA 59620-0801

April 18, 1997

The Honorable Gary Aklestad  
President of the Senate  
State Capitol  
Helena MT 59620

The Honorable John Mercer  
Speaker of the House  
State Capitol  
Helena MT 59620

Dear President Aklestad and Speaker Mercer:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill 87, **"AN ACT ELIMINATING THE REQUIREMENT THAT THE SECRETARY OF STATE TRANSFER PROPRIETARY FUNDS TO THE GENERAL FUND AT THE END OF A FISCAL YEAR; REQUIRING THAT FEES FOR FILING AND COPYING SERVICES BE COMMENSURATE WITH COSTS; PROVIDING THAT THE FEES BE DEPOSITED INTO AN INTERNAL SERVICE FUND; AMENDING SECTION 2-6-103, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"** for the following reasons.

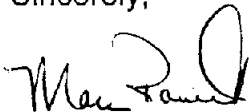
Senate Bill 87 addresses the deposit of filing and copying fees collected by the Secretary of State. It provides that fees that are collected must be deposited into an internal service fund.

The Department of Administration has brought to my attention that the result of Senate Bill 87 is that the entire operation of the Secretary of State's Office would become an internal service fund, a result that is not appropriate from the perspective of generally accepted accounting principles and that would create problems when the State's financial statements are prepared.

This result was apparently inadvertent, and I am proposing a correction to the bill that would require that fees collected by deposited into a proprietary fund, rather than an internal service fund.

It is my understanding that Senator Jergeson, the sponsor of Senate Bill 87, understands the need for this amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Marc Racicot". The signature is fluid and cursive, with a large loop at the end.

MARC RACICOT  
Governor

GOVERNOR'S AMENDMENT TO  
Senate Bill No. 87  
(Reference Copy)  
April 18, 1997

1. Title, line 8.

Strike: "AN INTERNAL SERVICE FUND"

Insert: "A PROPRIETARY FUND"

2. Page 2, line 9.

Strike: "AN INTERNAL SERVICE FUND"

Insert: "a proprietary fund"

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