EXHIBIT 1
DATE 3.24.11
SB 283

Amendments to Senate Bill No. 283
2nd Reading Copy

Requested by Senator Jeff Essmann

For the House Local Government Committee

Prepared by Leanne Kurtz
March 24, 2011 (1:31pm)

1. Title, line 16.
Following: "7-2-2412,"
Insert: "7-4-2631, 7-4-2632, 7-4-2637,"

2. Page 3, line 17.
Following: "**petition --**"
Insert: "**public hearing --**"

3. Page 3, line 19.
Following: "shall"
Insert: ", after providing public notice pursuant to 7-1-2121 in the county seat of each adjoining county, hold a public hearing in the area proposed to be moved from one county to another. After the public hearing, the boards of county commissioners shall"

4. Page 3, line 21 through line 25.
Strike: subsection (2) in its entirety
Insert: "(2) An interlocal agreement must be entered into by the adjoining counties and must state:

(a) the proposed boundary change as accepted or amended by the boards, including the legal description of the proposed boundary change;

(b) the procedure each board intends to follow in complying with [sections 1 through 9];

(c) subject to subsection (4), the costs to be incurred by each county in complying with [section 7]; and

(d) any other elements to which the boards agree regarding provision of services or county operations upon the relocation of the boundary."

5. Page 3.
Following: line 28
Insert: "(4) The adjoining counties shall negotiate the fees to be charged for compliance with [section 7], and the provisions of 7-2-2412, 7-4-2631, 7-4-2632, and 7-4-2637 regarding fees charged by county clerks do not apply to the processes required in [section 7]."

6. Page 4, line 2.
Following: "shall"
Insert: ", after providing public notice pursuant to 7-1-2121 in the county seat of each adjoining county, hold a public hearing in the area proposed to be moved from one county to another in order to accept comment on the proposed cost of compliance with [section 7] as stated in the interlocal agreement pursuant to [section 3(2)]. After the public hearing, the boards of county commissioners shall"

7. Page 8, line 2.
Strike: "The"
Insert: "Except as provided in [section 3(4)], the"

8. Page 8.
Following: line 9
Insert: **"Section 15.** Section 7-4-2631, MCA, is amended to read:

"7-4-2631. Fees of county clerk. (1) Except as provided in [section 3(4)], 7-4-2632, and 7-4-2637, the county clerks 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 certificate that the instrument has been recorded with seal affixed:

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

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

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

(d) for filing of subdivision and townsite plats, $5 plus:

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

(ii) for each additional lot in excess of 100, 25 cents;

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

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

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

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

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

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

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

(j) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;

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

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

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

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

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

{*Internal References to 7-4-2631:*
x1-5-408 *x7-4-2637* }"

Insert: "Section 16. Section 7-4-2632, MCA, is amended to read:

"7-4-2632. Fee when recording done by mechanical means. ~~Whenever~~ Except as provided in [section 3(4)], whenever recording is done by a photographic or similar process, the county clerk and recorder shall charge $7 for each page or fraction of a page of the instrument for recording."

{*Internal References to 7-4-2632:*
x7-4-2631 *x7-4-2631* *x7-4-2631* *x7-4-2635* }"

Insert: "Section 17. Section 7-4-2637, MCA, is amended to read:

"7-4-2637. Fees for recording standard documents. (1) Except as provided in [section 3(4)], 7-4-2631, and subsection (2) of this section, the fee for recording a standard document that meets the requirements of 7-4-2636 is $7 for each page or fraction of a page.

(2) ~~The~~ Except as provided in [section 3(4)], the fee for recording a document that does not meet the requirements of 7-4-2636 is $11 for each page or fraction of a page for the first five pages or fractions of the pages and $7 for each subsequent page.

(3) (a) Of the fees collected under subsection (1):

(i) $1 must be deposited in the records preservation fund, provided for in 7-4-2635;

(ii) 25 cents must be deposited in the county land information account provided for in 7-6-2230;

(iii) 75 cents must be transmitted each month to the department of revenue in the manner prescribed by the department of revenue for deposit in the Montana land information account created in 90-1-409; and

(iv) the remainder must be deposited as provided for in 7-4-2511.

(b) Of the fees collected under subsection (2) for nonstandard documents, each $7 amount for a page or fraction of a page must be deposited as provided for in subsection (3)(a). The remaining $4 of each $11 charge for a page or fraction of a page must be deposited in the records preservation fund, provided for in 7-4-2635, and, notwithstanding 7-4-2635(3), each $4 amount from an $11 charge for a page or a fraction of a page may be used only for maintaining, upgrading, or installing systems to digitally record and retrieve documents."

{*Internal References to 7-4-2637:*
x7-4-2631 *x7-4-2636* *x7-4-2636* *x7-4-2636*
x90-1-409 }"

Renumber: subsequent sections

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