

1 SENATE BILL NO. 283

2 INTRODUCED BY J. BOHLINGER

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEE FOR RECORDING AN AFFIDAVIT OF
5 ANNUAL LABOR ON A MINING CLAIM; AMENDING SECTION 7-4-2631, MCA; PROVIDING A CONTINGENT
6 VOIDNESS PROVISION; AND PROVIDING AN EFFECTIVE DATE."

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

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

11 **"7-4-2631. Fees of county clerk.** (1) Except as provided in 7-4-2632, the county clerks ~~must~~ shall
12 charge, for the use of their respective counties:

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

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

17 (i) for the first mining claim in the affidavit, ~~\$3~~ \$4; and

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

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

21 (d) for filing ~~of each~~ subdivision and or ~~plat~~ plat, \$5 plus:

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

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

24 (e) for filing ~~certificates~~ each certificate ~~of surveys and amendments thereto~~ survey or an amendment,
25 \$5 plus 50 cents per tract or lot;

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

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

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

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

- 1 (h) for administering an oath with certificate and seal, no charge;
- 2 (i) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;
- 3 (j) for filing, indexing, or other services provided for by 30-9-401 through 30-9-407, the fees prescribed
- 4 under those sections;
- 5 (k) for recording each stock subscription ~~and or~~ contract, stock certificate, ~~and or~~ articles of incorporation
- 6 for a water users' associations association, \$3;
- 7 (l) for filing a copy of notarial commission and issuing a certificate of official character of ~~such the~~ notary
- 8 public, \$2;
- 9 (m) for each certified copy of a birth certificate, \$5, and for each certified copy of a death certificate, \$3;
- 10 (n) for filing, recording, or indexing any other instrument not expressly provided for in this section or
- 11 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

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

15
 16 **NEW SECTION. Section 2. Submission to electorate.** This act shall be submitted to the qualified
 17 electors of Montana at the tax election to be held in 1999 by printing on the ballot the full title of this act and the
 18 following:

19 SHALL THE FEE FOR RECORDING AN AFFIDAVIT OF ANNUAL LABOR ON A MINING CLAIM TAX BE
 20 INCREASED ANNUALLY BY \$1 IN THE FOLLOWING MANNER?

- 21 FOR increasing the fee for recording an affidavit of annual labor on a mining claim from \$3 to \$4.
- 22 AGAINST increasing the fee for recording an affidavit of annual labor on a mining claim from \$3
- 23 to \$4.

24
 25 **NEW SECTION. Section 3. Contingent voidness.** If Constitutional Initiative No. 75, enacting Article
 26 VIII, section 17, of the Montana constitution, is declared invalid, then this act is void.

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 28 **NEW SECTION. Section 4. Effective date.** If approved by the electorate, this act is effective July 1,
 29 1999.

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