

HOUSE BILL NO. 192

INTRODUCED BY J. DARLING

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE FEES CHARGED BY A COUNTY CLERK AND RECORDER FOR RECORDING DOCUMENTS; INCREASING THE DEPOSIT IN THE RECORDS PRESERVATION FUND, THE COUNTY LAND INFORMATION ACCOUNT, AND THE MONTANA GEOSPATIAL INFORMATION ACCOUNT; PROVIDING FOR THE FEE TO INCREASE BIENNIALLY BY AN INFLATION FACTOR; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 7-4-2632, 7-4-2635, AND 7-4-2637, MCA; AND PROVIDING AN EFFECTIVE DATE AND AN APPLICABILITY DATE."

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

Section 1. Section 7-4-2632, MCA, is amended to read:

"7-4-2632. Fee when recording done by mechanical means. Except as provided in 7-2-2803(4), whenever recording is done by a using a photographic or similar process, the county clerk and recorder shall charge ~~\$7 for each~~ \$20 for the first page or fraction of a page of the instrument for recording and \$10 a page for each additional page or fraction of a page."

Section 2. Section 7-4-2635, MCA, is amended to read:

"7-4-2635. Records preservation fund authorized. (1) The board of county commissioners shall establish a records preservation fund for the purpose of preserving the records maintained by the county clerk and recorder. The county clerk and recorder is responsible for expenditures from the fund and shall use the money for records preservation.

(2) The county clerk and recorder shall deposit ~~\$1~~ \$2 of the fee received under 7-4-2632 ~~into~~ in the records preservation fund.

(3) The governing body of the county may transfer to the general fund any money in the records preservation fund that is not needed for records preservation."

1 **Section 3.** Section 7-4-2637, MCA, is amended to read:

2 **"7-4-2637. Fees for recording documents -- rulemaking.** (1) Except as provided in 7-2-2803(4) and
3 7-4-2631, the fee for recording a standard document that meets the requirements of 7-4-2636 is ~~\$8 for each~~
4 ~~page or fraction of a page.~~ as follows:

5 (a) \$20 for the first page or fraction of a page and \$10 a page for each additional page or fraction
6 of a page; and

7 (b) beginning July 1, 2027, the department of revenue shall set the fee under this subsection (1) by
8 administrative rule to adjust for inflation. The fee contained in subsection (1)(a) must be adjusted biennially
9 using an inflation factor, which is determined by dividing the consumer price index for June of the previous tax
10 year by the consumer price index for June 2025. The resulting figure must be rounded down to the nearest
11 whole dollar amount.

12 (2) Except as provided in 7-2-2803(4), the fee for recording a document that does not meet the
13 requirements of 7-4-2636 is the fee specified in subsection (1) plus \$10.

14 (3) (a) Of the fees collected under subsection (1), for each page or fraction of a page:

15 (i) ~~\$1~~ \$2 must be deposited in the records preservation fund, provided for in 7-4-2635;

16 (ii) ~~50~~ 75 cents must be deposited in the county land information account provided for in 7-6-2230;

17 (iii) ~~\$1.50~~ \$2.25 must be transmitted each month to the department of revenue in the manner
18 prescribed by the department of revenue for deposit in the Montana geospatial information account created in
19 90-1-409; and

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

21 (v) BEGINNING JULY 1, 2027, THE DEPARTMENT OF REVENUE SHALL SET THE AMOUNTS DEPOSITED OR
22 TRANSMITTED UNDER SUBSECTIONS (3)(A)(I) THROUGH (3)(A)(III) BY ADMINISTRATIVE RULE TO ADJUST FOR INFLATION.
23 THE AMOUNTS CONTAINED IN SUBSECTIONS (3)(A)(I) THROUGH (3)(A)(III) MUST BE ADJUSTED BIENNIALY USING AN
24 INFLATION FACTOR, WHICH IS DETERMINED BY DIVIDING THE CONSUMER PRICE INDEX FOR JUNE OF THE PREVIOUS TAX
25 YEAR BY THE CONSUMER PRICE INDEX FOR JUNE 2025. THE RESULTING FIGURE MUST BE ROUNDED DOWN TO THE
26 NEAREST QUARTER DOLLAR AMOUNT.

27 (b) The fees collected under subsection (2) must be deposited in the records preservation fund
28 provided for in 7-4-2635."

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2 NEW SECTION. **Section 4. Effective date.** [This act] is effective October 1, 2025.

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4 NEW SECTION. **Section 5. Applicability.** [This act] applies to documents recorded on or after
5 October 1, 2025.

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