

HOUSE BILL NO. 55

INTRODUCED BY W. CURDY

BY REQUEST OF THE SECRETARY OF STATE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT FEES CHARGED BY THE SECRETARY OF STATE ARE NOT REFUNDABLE; AMENDING SECTION 2-15-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 2-15-405, MCA, is amended to read:

"2-15-405. Fees charged by secretary of state -- deposit to account -- rulemaking. (1) The secretary of state shall, for fees charged by the secretary of state, set by administrative rule each fee authorized by law.

(2) Unless otherwise specified by law, fees:

(a) must be commensurate with the overall costs of the office of the secretary of state; ~~and~~

(b) must reasonably reflect the prevailing rates charged in the public and private sectors for similar services; and

(c) are not refundable.

(3) The secretary of state shall maintain records sufficient to support the fees established pursuant to this section.

(4) Except as otherwise provided by law, fees collected by the secretary of state must be deposited to an account in the enterprise fund type to the credit of the secretary of state. All income and interest earned on money in the account must be credited to the account."

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

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