

BEFORE THE SECRETARY OF STATE  
OF THE STATE OF MONTANA

In the matter of the proposed )  
amendment of ARM 44.2.203 priority )  
handling of documents )

NOTICE OF PUBLIC HEARING  
ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On July 19, 2006 a public hearing will be held at 10:00 am. in the Secretary of State's Office Conference Room 260 of the State Capitol, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than July 12, 2006, to advise us of the nature of the accommodation that you need. Please contact Janice Frankino Doggett, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-5375; FAX (406) 444-4196; or e-mail jdoggett@mt.gov.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

44.2.203 PRIORITY HANDLING OF DOCUMENTS (1) The office shall may charge a priority handling fee of \$20 for processing paperwork within 24 hours of the next business day. ~~foreign or domestic profit or not for profit corporation filings.~~

(2) ~~The priority handling fee for all other documents shall be \$5.~~ The office may charge an expedite fee of \$100 for processing paperwork within one hour subject to receipt by 4:00 p.m. each business day.

(3) ~~This fee shall cover the costs of same day filing of the documents.~~ If the documents are not in proper order for filing, then the office shall attempt to notify the submitter the same day and inform him the customer of the defects by telephonic, electronic, or facsimile transmission.

AUTH: ~~30-9-403, 30-13-217, 30-13-311, 35-1-1201, 35-2-1001, 35-12-521,~~  
30-9A-526, 35-1-1307, 35-2-1107, MCA

IMP: ~~30-9-403, 30-13-311, 30-13-217, 35-1-1201, 35-2-1001, 35-12-521, 71-~~  
3-125, MCA

REASON: Frequent users of the priority service have requested the ability to file within one hour. Many other states offer one hour processing service, and the Secretary of State can improve its service by offering an expedite service in addition to a priority service. Fees in the Secretary of State's office must be commensurate with cost. In order to provide one hour service, the bureau will dedicate one FTE toward ensuring prompt service. \$100 is a commensurate fee. A one hour priority

filing fee is a new fee that will affect an estimated 20 filers per day resulting in \$2000 revenue per business day.

4. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Janice Frankino Doggett, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801, or by e-mailing [jdoggett@mt.gov](mailto:jdoggett@mt.gov), and must be received no later than 5:00 p.m., July 20, 2006.

5. Janice Frankino Doggett, at the address above, has been designated to preside over and conduct the hearing.

6. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices, and specifies that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, Uniform Commercial Code, or a combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Bureau, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-3976, e-mailed to [jabranscum@mt.gov](mailto:jabranscum@mt.gov), or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

/s/ Janice Frankino Doggett  
Janice Frankino Doggett  
Rule Reviewer  
Secretary of State

/s/ Brad Johnson  
Brad Johnson  
Secretary of State

Dated June 12, 2006