

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 44.6.104 and 44.6.105)
pertaining to filing fees charged by)
the Business Services Division for)
federal tax liens and Uniform)
Commercial Code documents)

TO: All Concerned Persons

1. On August 12, 2010, the Secretary of State published MAR Notice No. 44-2-164 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1789 of the 2010 Montana Administrative Register, Issue Number 15.

2. The Secretary of State has amended the following rule as proposed: ARM 44.6.104.

3. The Secretary of State has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

44.6.105 FEES FOR FILING DOCUMENTS -- UNIFORM COMMERCIAL CODE (1) through (3) remain as proposed.

(4) Certification of copies, \$2.00, unless copies accompany a search certificate, then the certification fee is included in the fee for the search certificate.

AUTH: 2-15-405, 30-9A-526, MCA

IMP: 30-9A-501, 30-9A-502, 30-9A-525, 71-3-125, MCA

4. The Secretary of State has thoroughly considered the comment received. The comment received and the Secretary of State's response follows:

COMMENT #1: The Secretary of State received the following e-mailed comment from David Niss on behalf of the State Administration and Veterans' Affairs Interim Committee regarding the proposed amendment to ARM 44.6.105:

"[P]roposed subsection (4) of the text provides that there is no separate \$2.00 charge for certification of copies if a search certificate has been paid for, and seems to state that if a search certificate has been paid for, then the \$2.00 for certified copies is included in the search certificate . It seems highly unlikely that the \$2.00 fee could be included in the certificate itself. What seems more likely is that the \$2.00 fee is considered to be paid as part of the fee for the search certificate. While this is a small point, I suggest this change just from the standpoint of accuracy of the language in the proposed amendment."

RESPONSE #1: The Secretary of Statement concurs and has added the words "fee for the" before search certificate for clarification.

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated this 13th day of September, 2010.