

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 44.6.104 and 44.6.105) PROPOSED AMENDMENT
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 September 3, 2010, at 10:00 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Conference Room, Room 206, State Capitol Building, at Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 5:00 p.m. on August 27, 2010, to advise us of the nature of the accommodation that you need. Please contact Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana, 59620-2801; telephone (406) 461-5173; fax (406) 444-4240; TDD/Montana Relay Service (406) 444-9068; or e-mail jquintana@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

44.6.104 FEES FOR FILING NOTICE OF FEDERAL TAX LIEN

- (1) and (1)(a) remain the same.
- (b) filing any amendment, ~~\$7.00~~ \$5.00;
- (c) and (d) remain the same.

AUTH: ~~30-9A-525~~ 2-15-405, 30-9A-526, MCA
IMP: 30-9A-519, 30-9A-525, 71-3-205, MCA

REASON: The rule amendment is reasonably necessary because the Secretary of State originally adopted the rule to accommodate an IRS request that \$7.00 be charged for filing UCC documents regardless of document type because the IRS did not want to issue different check amounts. Presently, the IRS only allows electronic payment so fees are no longer an issue. The amendment will provide consistency between the IRS and all other filing offices with regard to fees. The authority and implementation statutes were reviewed and updated.

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

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

AUTH: 2-15-405, ~~30-9A-525~~, 30-9A-526, MCA

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

REASON: The amendment is reasonably necessary to allow the Secretary of State to charge \$2.00 for the certification of UCC copies. This charge was previously reflected in ARM 44-5-121, Miscellaneous Fees, but was removed when the Secretary of State began charging a flat fee for copies. The authority and implementation statutes were reviewed and updated.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801; telephone (406) 461-5173; fax (406) 444-4240; or e-mail jquintana@mt.gov, and must be received no later than 5:00 p.m., September 10, 2010.

5. Jorge Quintana, Secretary of State's Office, has been designated to preside over and conduct this 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 that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the Secretary of State.

7. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

/s/ Jorge Quintana
JORGE QUINTANA
Rule Reviewer

/s/ Linda McCulloch
LINDA MCCULLOCH
Secretary of State

Dated this 2nd day of August, 2010.