

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 44.6.111 and 44.6.112) PROPOSED AMENDMENT
pertaining to Farm Bill Master List)
output and fees pertaining to the)
Business Services Division)

TO: All Concerned Persons

1. On August 2, 2012, a public hearing will be held at 9:30 a.m. in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, 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 public hearing 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 July 27, 2012, 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, MT 59620-2801; telephone (406) 461-5173; fax (406) 444-4249; 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:

44.6.111 LIENS APPEARING ON THE FARM BILL MASTER LIST AND FEES FOR OBTAINING THE FARM BILL MASTER LIST (1) remains the same.

(2) The secretary of state shall charge and collect for the following fees for providing the farm bill master list:

- (a) ~~on CD-ROM~~ online access, per month \$ 20.00
- (b) remains the same.
- ~~(c) on microfiche, per farm product category~~ 5.00

AUTH: 30-9A-526, MCA
IMP: 30-9A-525, MCA

REASON: The Secretary of State is in the process of implementing a more robust online database that will allow the Farm Bill Master List to be made available online through a web-based application. The Farm Bill Master List will no longer be provided on CD-ROM or microfiche, thereby necessitating the amendment to the rule. The new online application will allow multiple persons within an organization to view the information from different desktops at the same time and the online lien information will be updated daily. This change addresses concerns expressed over the years from Montana buyers of farm products. The access fee to the Farm Bill

Master List remains the same as the fee for the CD-ROM, but buyers will receive a much better product.

44.6.112 FARM BILL MASTER LIST (1) remains the same.

(2) The farm bill master list is published:

~~(a) on the fifteenth~~ 15th day of every month; ~~or,~~

~~(b) on the preceding business day if the fifteenth falls on a weekend or holiday.~~

(3) The farm bill master list is distributed to registered buyers no later than the ~~twentieth~~ 20th of each month.

AUTH: 30-9A-526, MCA

IMP: 30-9A-302, MCA

REASON: The amendments to the days of the month references in (2)(a) and (3) are simply style and format changes. Subsection (2)(b) is deleted in its entirety because it will no longer be applicable when the new web-based database for the Business Services Division is implemented.

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., August 9, 2012.

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 July, 2012.