

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I and amendment of ARM 44.5.121 pertaining to fees charged by the Business Services Division) NOTICE OF PUBLIC HEARING ON PROPOSED ADOPTION AND AMENDMENT)

TO: All Concerned Persons

1. On September 26, 2014, at 9:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed adoption and 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 September 19, 2014, 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 rule as proposed to be adopted provides as follows:

NEW RULE I MANUAL AND ONLINE SEARCH FEES

- (1) Principal search:
 - (a) State agency \$0.50 per search
 - (b) State university no charge
 - (c) All other customers 2.00 per search
- (2) Individual name search:
 - (a) State agency 1.00 per search
 - (b) State university no charge
 - (c) All other customers 4.00 per search

AUTH: 2-15-403, 2-15-405, MCA

IMP: 2-15-403, 2-15-405, MCA

REASON: The Secretary of State is required by 2-15-405, MCA, to "set by administrative rule each fee authorized by law." The Secretary of State currently charges the above-referenced fees for business searches done online by customers through the Secretary of State's web site. This rule allows the Secretary of State to charge a fee for search requests received in writing and fulfilled manually by Secretary of State staff as well as searches conducted online by Business Services Division customers. The proposed fees will compensate for staff time, the cost of paper, envelopes, postage, toner, etc., and for the fees the Secretary of State pays

to the state contractor to support the Secretary of State's online business filing system.

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

44.5.121 MISCELLANEOUS FEES (1) through (4) remain the same.

(5) ~~Copy of new business entity list per month~~ Miscellaneous business entity reports 80.00

(6) through (9) remain the same.

AUTH: 2-15-405, 30-9A-526, 35-1-1307, 35-2-1107, 35-7-103, MCA

IMP: 2-6-103, 2-15-405, 30-9A-525, 30-13-320, 35-1-1206, 35-2-119, 35-2-1003, 35-2-1107, 35-7-103, 80-8-210, MCA

REASON: This amendment will better accommodate the different miscellaneous business entity reports the Secretary of State processes through requests received from the business community. The Secretary of State submits complex jobs through an antiquated mainframe application to accommodate these reports with support from our contractor.

5. 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 Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing jquintana@mt.gov, and must be received no later than 5:00 p.m., October 3, 2014.

6. Jorge Quintana, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the hearing.

7. 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 combination thereof. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

8. 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.

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

10. The Secretary of State estimates that the cumulative amount for all persons for the fees set forth in New Rule I will be \$3,760 and the number of persons affected is 661. The Secretary of State estimates that the cumulative amount for all persons for the fees set forth in ARM 44.5.121, Miscellaneous Fees, will be \$5,630 and the number of persons affected is 5 to 20.

11. With regard to the requirements of 2-4-111, MCA, the Secretary of State has determined that the adoption and amendment of the above-referenced rules will not significantly and directly impact small businesses because the Secretary of State has been providing these services to the business community for years.

/s/ JORGE QUINTANA
Jorge Quintana
Rule Reviewer

/s/ LINDA MCCULLOCH
Linda McCulloch
Secretary of State

Dated this 25th day of August, 2014.