



Montana Legislative Services Division
Legal Services Office

TO: State Administration and Veterans' Affairs Interim Committee

FROM: K. Virginia Aldrich

DATE: April 4, 2014

RE: Legislative Administrative Rule Review Report

Pursuant to 5-5-228, MCA, the State Administration and Veterans' Affairs Interim Committee is responsible for reviewing administrative rules within its jurisdiction. Staff for the State Administration and Veterans' Affairs Interim Committee has prepared this report for informational purposes only. This report does not represent any action or opinion of the State Administration and Veterans' Affairs Interim Committee and does not preclude additional action that may be taken by the State Administration and Veterans' Affairs Interim Committee pursuant to its authority under the Montana Administrative Procedure Act (Title 2, chapter 4, MCA).

MAR NOTICE NUMBER: 44-2-195

AGENCY/BOARD: Secretary of State

RULE CLASSIFICATION: (e.g. substantive/interpretative/emergency/temporary):
Substantive

SUBJECT: Notice of Public Hearing on Proposed Amendment and Repeal - Fees Charged by the Business Services Division.

NOTICE DESCRIPTION: (e.g. proposal notice/adoption notice): Proposal Notice

SUMMARY OF RULE(S):

The Secretary of State proposes to amend 10 rules and repeal 2 rules. The Secretary of State proposes amending multiple business services fees to include a reprocessing fee equivalent to half the original filing fee for documents that are rejected because of inadequacies in the filing. The reprocessing fee is proposed to be added to corporation filings, limited liability company and partnership filings, miscellaneous filings, assumed business name filings, trademark filings, federal tax lien filings, and Uniform Commercial Code filings.

The Secretary of State proposes to repeal two rules pertaining to fees for faxed documents and the priority handling of documents. The contents of these rules either exist elsewhere in the Secretary of State's rules or were reorganized under other rules in this rule proposal notice.

Although the Secretary of State proposed to put three additional fees in rule in this proposal notice, the Secretary of State has agreed to withdraw or renote two of these additional fees (including a fee for filing a geophysical exploration bond, cashier's check, or certificate of deposit and a fee for filing articles of revocation of dissolution) in a separate, future rule notice. The third fee (a fee for the appointment of a commercial registered agent for corporations) was a duplicate of a fee already listed in ARM 44.5.121 under miscellaneous fees. Therefore, the proposal with respect to that fee is being withdrawn.

NOTES: (e.g. hearing dates)

A public hearing was held on the above-referenced rules on April 3, 2014, at 9:30 a.m. in the Secretary of State's Conference Room, Room 260, State Capitol Building, Helena, Montana. The public comment period ends on April 11, 2014.

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