



Montana Legislative Services Division
Legal Services Office

TO: State Administration and Veterans' Affairs Interim Committee
FROM: K. Virginia Aldrich
DATE: February 5, 2016
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: 44-2-214

AGENCY/BOARD: Secretary of State

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

SUBJECT: Miscellaneous Fees charged by the Business Services Division

NOTICE DESCRIPTION: (e.g. proposal notice/adoption notice): Notice of Public Hearing on Proposed Amendment

SUMMARY OF RULE(S): In December, the Secretary of State proposed to amend one rule concerning miscellaneous fees collected by the Business Services Division. Please note that this proposed rule was re-noticed to provide an extension of time to allow the primary sponsor of SB 1 (2015) to be notified of the rule proposals.

The proposed amendments add three new fees, including a \$5 fee for the amendment of designation of a registered agent for a pesticide license (the current rule already provides a \$5 fee for the initial designation of a registered agent for a pesticide license), a \$15 fee for the initial filing of a surety bond, cashier's check, or certificate of deposit, and a \$5 fee for the amendment of a surety bond, cashier's check, or certificate of deposit.

The Secretary of State notes that these fees are required to be set by administrative rule under 2-15-405, MCA, and points out that fees must be commensurate with the overall costs of the office and with prevailing rates charged in the public and private sector for similar services. The Secretary of State notes that approximately 8 persons would be affected by the fee change for the

amendments to the designation of a registered agent for a pesticide license, surety bond, cashier's check, or certificate of deposit, and the cumulative fee change would be \$40. Approximately 40 individuals would be affected with respect to the initial filing of a surety bond, cashier's check, or certificate of deposit, and the cumulative fee change would be \$600.

NOTES: A public hearing was held on January 15, 2016, at 9:30 a.m. The public comment period has been extended until February 18, 2016.

FULL TEXT OF NOTICE: The full text of the notice proposal may be found online at http://www.mtrules.org/gateway/Cycle_Home.asp?CID=2269.

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