



**Montana Legislative Services Division**  
**Legal Services Office**

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**TO:** State Administration and Veterans' Affairs Interim Committee

**FROM:** K. Virginia Aldrich

**DATE:** September 4, 2014

**RE:** Legislative Administrative Rule Review Report

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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:** 44-2-200

**AGENCY/BOARD:** Secretary of State

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

**SUBJECT:** Manual and Online Search Fees and Business Entity Reports

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

**SUMMARY OF RULE(S):**

The Secretary of State proposes to amend one rule concerning miscellaneous business entity reports and adopt one rule concerning manual and online search fees.

The Secretary of State proposes to adopt a new rule that charges customers \$2 for (manual or online) searches concerning business entity principals. The rule discounts the fee to \$.50 per search if a state agency is conducting the search, and it allows a state university to conduct a search for free. Customers would be charged \$4 for (manual or online) searches concerning business entity individuals. The rule discounts the fee to \$1 per search if a state agency is conducting the search, and it allows a state university to conduct a search for free.

Staff has contacted the Secretary of State's office to request a cross reference to a statutory exemption under section 2-6-103, MCA, for fees related to searches conducted by members of the legislature, state officers, and county officers if the search pertains to the duties of the member's office. The Secretary of State's office is currently reviewing the request; however, the statutory exemption is valid whether or not it explicitly appears in the rule.

The Secretary of State also proposes to amend one rule concerning business entity reports. The amendment will allow the Secretary of State to charge for miscellaneous business entity reports requested by the business community rather than just a copy of the new business entity list per month.

The Secretary of State has determined that neither rule significantly and directly impacts small businesses.

**NOTES:** (e.g. hearing dates)

A public hearing is scheduled on the above-referenced rules on September 26, 2014, at 9:30 a.m. in Room 260, Secretary of State's Conference Room, State Capitol Building, Helena, Montana. The public comment period ends on October 3, 2014.

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